App F IX 4

1945 46

File No 10-45

Previous References (Mdl)

Serial Nos 225 226, 282

Mdl 12-35 (79, 100)
" 10-41 - (98, 99 154, 155)
" 55-41 - (7, 8)
Later References 55-41 - (80-82, 118)
" 144-41 - (13, 14)
" 128-42 (1, 2)
" 10-42 - (10, 11, 17, 29, 35, 41)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Three

Part B for Madras W

SUBJECT

Taking up the posts of the Personal Assistant to the Municipal Commr and the Octroi Superintendent

A 13/11 D 27/3/47

Mdl Commr. Bde city

Sanction the proposals for

(1) by appointing Mr C Annadanapa as A.C. Mdl Commr and Mr M Sadasivan Nathan as Octroi Sup-

Serial No

From the Municipal Commr Bangalore
AB- p 12-40-45 dt 5-2-46

States that the Municipal Council has resolved that action might be taken by the Municipal Commissioner in regard to the reversion of Mr A Mariappa, Amildar, (doing duty as personal Assistant in the Municipality) as he has worked there for more than 3 years

1) The Municipal Commr has asked for a panel of names of Amildars on an initial pay of Rs 150- vice Mr A Mariappa proposed to be reverted to P W Dept

2) The file leading to the appointment of Mr A Mariappa as personal Asst to the Municipal Commr is put up separately

3) Sometime back the Municipal Commr made a recommendation to Government in regard to the posting of an Assistant Commr as his personal Asst, instead of an officer of the status of an Amildar This file has been ordered to be put up after orders are passed on the report of the

NOTE—Contn Sheet

5'5'40-

File No. of 194 | General and Revenue Secretariat

Serial No

Special officer deputed to examine the finances of the Bangalore City Municipality.

1) The Revenue Commr will be requested to furnish a panel of names of Amildars on Rs 150- for selection of an officer by the Municipal Council

GO 110
4/2

2) yes P.I. putup DFT letter needful

Mr 15/2

for 18/2/46

3) Submit with a draft letter for appl Govt's the usual procedure followed in regard to for 19/2/46

Mr 19/2/46

4) Ascertain what charge is borne by Govt in regard to charges in Municipalities (Revenue)

for 19/2/46

TO The Revenue Comr
Lr No 21 dated 23-2-46
states that a panel of names of Amildars may be sent to Govt

20 FEB 1946
GEN & REV SEC

Serial No

From the Revenue Comr

3307 d 26-2-46

Fds a copy of his letter to the Comr forwarding a list of Amildars who could be spared to the Municipality, vice Mr A Mariappa, personal Assistant

8) The report from the Municipal Comr will be awaited Sd/- [illegible]

Revised for 15/3/46

9) What about the transfer of Mr Mariappa & consequential arrangements? Why are not papers pushed?

Sd/- [illegible] 15/3

10) No other proposals have been received so far from the M. Comr on the above subject.

Revised for 16/3/46

11) Sd/- [illegible] 16/3

Sd/- [illegible]

NOTE—Contn Sheet

6529 5-5-44

File No of 194

General and Revenue Secretariat

Serial No

From the Municipal Town
Bangalore City
A6 pr 40/45-46 fol 16 3/46

Requesting sanction to the resolution dated 7-3-46 of the Municipal Council, in regard to filling the place of the Personal Assistant in Bangalore City Municipality by promotion arrangement

The Revenue Commissioner has already forwarded panel of names of 7 Amildars, out of which one officer has to be selected by the Municipal Council to take up the place of Th A Haviappa, under orders of reversion to the Revenue Department

3) Said reference is invited to the proceedings of the meeting of the Municipal Council held on 7 3/Feb

It is evident that the Council is not in favour of appointing an Amildar as personal Assistant to the Municipal Comr on the following grounds -

1) that the Amildar selected would be given his promotion in the Revenue Dept, with retrospective effect, with the result that the Municipality will have to bear the extra cost

2) that the post of the personal Assistant is a responsible one requiring an officer who is in the know of all municipal matters

3) that such places could best be utilised for giving promotion to well deserving and experienced

Municipal Employees

With the above objects in view, the Municipal Council recommended as follows -

1) promotion of Mr. S Annadanatha, B A LL B - Octroi Superintendent on Rs ~~130~~ 130 - in grade Rs 100-10-150-25-2 - 250 as personal Assistant to the Municipal Commr, 150-25-2-250 + 50 Allowance

2) promotion of Mr M Swaminathan, M A - Council clerk on Rs 60, in grade Rs 50-2-60, + 10 p M as Octroi Superintendent on Rs 100-10-150-25-2-250 + 25 c A

3) Relief of Mr A. Narasimha, personal Assistant immediately by the Revenue officer of the Municipality -

1. Kind reference is invited to paras 20 to 22 of the note in Collection no PH 10-42-41 regarding the procedure to be adopted in filling up the post of the Octroi Superintendent in the city Municipality which is not one of the Statutory appointments -

for orders.

19/3

Mr R. Mariappa Butler, was appointed as Personal Assistant to the Municipal Comr Mysore vide G.O. No. A 9163-6 / Dtd 20-41-39. dated 26/3/4. Since he has been on the duty for more than three years he has been to be transferred from there in accordance with the orders of Government.

In this regard, a panel of seven names of Butlers has been sent by the Revenue to the M.C. for selecting an Butler from out of the said list as P.A to the M.C. While considering the subject the M.C have resolved on 7-3-41 vide to take any of them as P.A and to fill up the said post and the consequential vacancies as follows

i) By appointing Mr Annadanappa. B.A, LL as acting Supdt on Rs 130/- in grade Rs 100-10-150-25-250 as P.A

ii) By promoting Mr M Swaminathan, M.C. clerk as acting Supdt on Rs 100-10-150-25-250

The M.C. requests orders on the above

purposes has been the most suitable
in the circumstances of the case.

It has been the rule since the
year 1931 to employ as P.A. to the
Minister, Principal Private Secretary from
the Ruilders Cadre. Recently Mrs.
K Ramsaffa, Mrs C. Ramsoran and Mr A.
Mariaffa were appointed successively as
P.A. till now for a period of 3 years each.
The position of the P.A. is a very
responsible one and it is considered
desirable necessary to post men of the rank
pay, status of Ruilders. This arrangement
served admirably well, as the officers were
selected from the Civil Service and were
sent to the Min for a
specified period whilst looking for preferment
to them within their department and whilst
do their work without fear or favour while
bringing to bear upon their work independent
judgment. They would not be creatures
of party politics, which it is feared
would be the case if municipal
authorities are permitted to such
responsible posts.

)Mr Bonnat Arriffa B.a LLB is an 130 rs grade
acting Supdt on pay of Rs 100-10-150
and is a Ml employee, having been
promoted from the post of a Processing
Inspector. He is given neither the pay,
status nor rank of an Assistant
Officer to be appointed as P-A', he will
have to be given a pay of Rs 130, without
the rank & status of an Assistant But it
does not appear necessary to approve the
proposal, in the interest of the Mly
and as a matter of principle

21) As regards Mr Swaminathan, he
is also a Ml employee, getting a
pay of Rs 60+10 P-A (recently sanctioned)
in the grade of the acting Supdt is Rs 100-10
-150-25-2-250 He has been ordered
in Jo no L 3065-67 dated 23/10/67
that the pay of the acting Supdt
has been fixed as above with a view to
facilitate the interchange
especially of the posts of the Asst Officers &
the P A to the Ml Co-N. If the
present proposal is accepted, it will
be defeating the principle enunciated
above. Further, there

are a number of Chief Officers in M&Cs.
are in the grade of so-& two & two &
and the seniormost amongst them may be
appointed to this post, apart from the large number
of officers available in the Rly Deptt
This appt was also given a personal allce
of Rs 125 p.m very recently & there was not any
any local test. In view of these facts, the
proposal to give him 'the post of the Director'
may not perhaps be approved

The M L Cl have advanced three reasons
for preferring their own men to fill up
above posts viz (1) That the pay of the appts
posts from Building Service would be increased by
Grade Increment retrospectively (2) That appointment
of Civil matters is necessary & (3) that it
necessary to reward the services of deserving
M L employees by such promotions As regards
these, it may be stated that the M L Cl have
Separately recommended the appointment of suitable
of the Clerks & Asst. Engrs to work as Dy Chiefs
& the M L Cl. This would mean extra appts
Comp regard to the work expected to be done
by the P-A to the M L Cl, it seems doubtful
that the officer posted there will
have any experience of Rly work - as
Builders would have acquired experience

If all members as President of Trust Union Mills Ltd is very easy for them to pick up the city reform as they would be really experienced men. In regard to them being rewarded by promotion, it may not be applied to such responsible positions, as they would be creatures of party politics.

23) As a matter of principle is involved this case the proposal may not be appl

24) Another point for consideration is also the post of the Civil Surgeon, the Health Officer & the Engineer are considered as Statutory appointments under the City Act. The posts of Revenue, P.W.D. & Water Supply are not such appointments under Secs 49 (b) (cc) & (cc) & 128 (2) (c) of the City Act of the year 1933, but have power to frame rules for regulating the appointment of officers & their departments, determining their duties & salaries of such officers in City Mills since the Municipality till now have not framed any such rules, the first

power to make appointments in the best manner they deem fit. Even according to the legal aspect this position of first would be an unquestionable basis for

new regn for
22/3/46.

5) Let me see the Service Regr & Character books of Swaminathan. What are his qualifications & Service? Did he ever work as Executive Subordinate

26) Who are all the officials in the octroi Dept who are Eligible for promotion — What grades & scales in the octroi Section?

They worked
upto date ××× Dons

26/3/46
Li

1) The Service Register and Character Books of Mr M Swaminathan, Council Clerk, are furnished

He has passed the M A Degree Examination and Revenue ~~Accounts~~ Higher examination

) He has rendered 15 years and 8 months of

T

Service in the Revenue Department and in the City Municipality

29) It is seen from the services register that he has not worked as an Executive Subordinate at any time. It is further from the entries in the character roll that he is considered to be well suited for higher post in clerical or executive line (vide remarks of Assessors dated 1.4.1956 & 1.4.1957)

30) The sanctioned allocation statement of the octroi section of the city Municipality is found on page 7

M) So far as the Executive establishment of the octroi Section is concerned next to the octroi Superintendent and Rs 100-10-150-EB-5-200 there are four chokis of octroi and 10 Inspectors on Rs 30-2-50 + 5 A each, and the [illegible] clerks Mr Amin madden is drawing a wage of Rs 64 with a service of 31 years to his credit. Executive item no 3 in the IV list who is a SSLC and the others have either L S or Nil qualification

1) The other appointments on the octroi establishments are small appointments of peons etc

Refer pages 25 & 26 Sirsi

Revenue Dept 26/3/58

33) What are the three Executive posts in the Municipality from which qualified Candidates could be promoted as vacancies occur?

Ans. 26/3/46

34) A statement furnishing the above information is furnished

Revenue) 27/3/46

27/3/46

35. From the year 1936 onwards, the post of Personal Assistant to the Municipal Comm^r has been held by an officer in the Cadre of Amildars & this has worked well. The reason for this arrangement is not far to seek. The M^l Comm^r is a Civilian - a Govt officer. In selecting a personal asst for him, it was considered that it was always safe to think of a Govt servant with sufficient status. In fact, proposals for posting an

Asst Commr are under Espionage. If the P.A to Commr is a Municipal Employee, dual loyalty will arise and more often human nature being what it is, he would owe allegiance to his Employer & that is the Municipality It would be a distressing Situation for the Commr in those circumstances to enforce discipline If the P.A. is on the other hand a Govt. Servant, he would naturally look for advancement of his interests to the Commr & the Govt. who are his Employers He would work without fear or favour, unfettered by the influences of the Members of the Council - This is a well reasoned practice & has worked admirably well. It is not clear why this should be changed.

36) Obviously the Council wishes to assert itself & dictate terms to Govt. On this question, it is surprising that the Municipal Commr who

was present at the meeting.
Should have failed to explain.
the position of fact. He has
allowed the Mayor Council to choose
a personal asst for him. Courtesy
required that he should be allowed
the discretion having regard to
existing fact orders

What is even more surprising
is, that after the R.C. sent a
panel of names of Amiables for
selection of PA, the Comm. has
deemed fit to ignore the names
suggested by R.C. & recommended
the candidate selected by the
Municipality

3) The Hon'ble Comm.'s recommendation
has to be vetoed with regret
on grounds of Expediency & as
a matter of principle and is
not a matter in which the Council's
decision could prevail. The admin
of the Municipality is as much
a concern for the Council
as for the Chief Executive & his P.A should
be officers of fact who are subject to
discipline & where authorities could

Serial No

be controlled by facts.

3) I don't wish to discuss the merits of Mr Annadaraja whose name has been suggested for PA. The recommendation in dispute amounts to his being made an Amildar. That question cannot be disposed of so lightly — There are Senior men in both Revenue & other depts who are awaiting promotion as Amildars & it would be unfair to all these officials to sidetrack Mr Annadaraja & elevate him as Amildar.—

4) In regard to the consequential change proposed viz to appoint Mr Swaminathan as Octroi Supdt, the proposal is even more surprising than the other one. He has been a clerk all his lifetime. He was never an executive official. Here at present

NOTE—Contn Sheet

Serial No

getting a Salary of Rs 60/- & by appointing him as Sanitary Inspector in the Octroi dept. on a graded Salary of Rs 100 - 10 - 150 - 25/2 - 200, it would amount to an accelerated promotion. Contrary to all rules of recruitment. And after all what is his claim? He is spoken of well by his official superiors. Good. He must await his chance for promotion in the usual course. In other Municipalities, there are duly qualified officials on Rs 80/- awaiting promotion as Chief officers. They have stagnated on that salary for some years. Even in the Bigger Municipalities themselves there are Executive officials who could be thought of for appointment as Octroi Inspectors. The Municipal Comm has merely mechanically supported the resolution of the Council without discussing the merits of the case. The grant of a promotion

Serial No

to Mr. Swaminathan if
such merit appeared to rule
of recruitment that would
be clear warrant to show
undue favour to an
official of the Municipality
to the exclusion of more
deserving & equally well
qualified men whether
in the Municipality or
outside it.

4) Since however, I have indicated that Mr Annadanappa's case need not be considered for promotion as DA, the question of promoting Mr Swaminathan will not arise. If his case should be preferred, it will lead to discontent & needless agitation. He is not qualified for being an Asst Engr.

Minister for Ed[illegible] 28/3

Pending this the Commr has delayed relieving Mr Nanjappa or he could have made other arrangements. There is a head clerk in Mr Swaminathan's office who could have been put in charge. At this rate, Govt orders get stuck & blunt. Get a move on French when officials do not like a particular transfer order.

NOTE—Contn Sheet

File No 6529/1 of 194 | General and Revenue Secretariat

Serial No

1(2) I agree The Govt Comm may be asked to select one of the Amildars suggested from the list sent by his R C

J.H.
6/4/46

Date 8-4-46
No. 6681

Jones
8/4/46.

4) Dft replyd 9/4/46

3) Submitted with a draft letter for approval
Rev Secy) 11/4

11/4

4) Some Amildars have already been posted & they are not available. Say that they have already been posted & his selection has to be restricted to the remaining Names

Jones 11/4

5) Revise draft in Consultation with Rev Sy

1) for kindly furnishing information as to which of the Amildars referred in Flag Y have been posted to the Talukas already

Rev Secy 11/4/46

49) Returned by the Caseworker of the Land Revenue Branch dtg, with the information that Messrs A. Baleshta, V. N. Ramaswamy, Sadasivam & G. Padmanabhan have been posted elsewhere hence the selection will have to be restricted to the remaining four names only.

50) Necessary action is accordingly being taken. Pending completion of the modified [illegible] made enquiries about this matter from

13.6.46

To The Municipal Commissioner

Ref No. 11139-M1 10-45-2 dt 15-4-46

Refers the proposal and requests the Commissioner to cancel the selection of one of the Assistants from out of the panel of names

51) Action as requested by

15/7/46

L/12461 dt 5-7-46

Secy

10 JUL 1946

f 375
2

From the Municipal Comm Bdge

M6-1 in 108/45 dated 13-5-46

states that the question relating to the selection of an Auditor from the panel of names sent by the Revenue Comm for being appointed as personal Assistant to the Municipal Comm pending consideration before the Managing Committee

5(2) Revenue Sewerage orders

What have they (Managing committee) to do with it Please put up reference Sd/- J B M 15/5

5(3) A copy of the Bangalore City Municipality Bye laws relating to the appointment and constitution of Committees is put up.

8375

54) Under Section 10 - 2 (a) of the Bye Laws, the Managing Committee has no power to appoint Chief Officer, Health Officer or Engineer or any other Officer

55) A draft letter to the Municipal Town Calling for Counter memorandum is put up. Refer para 52 Supra

56) Jn appl

Pending for 1/8/46

57) Issue today

DDO 18/6

TYPING SECTION
11 JULY 1946
CTT

TYPING SECTION
13 JUL 46
CTT

To the Municipal Town Bezwada
R 141/29, dt 18-6-46
calls for Counter memorandum

58) A draft D. reminder is put up

59) Approved

L 652 dt 12/7/46 1/7/46

Reminder

Jm 30/5

Jm 10/7

U.O.R

From the Municipal Comm Bhiwani
AJ=C 640/46-47 dated 25-7-46

States that the question re the selection of an Auditor for the post of a personal Assistant to him would be taken up by the Municipal Council on 31-7-46

(b) The receipt of further report from the Municipal Comm will be awaited

31/7

(b) yes, full report & then recommendation

To Municipal Comm Bhiwani
L 2665 d 17-8-46
Reminder

Sec AJ

Serial No

from the Municipal Comr Bangalore city
A6-p-R 140/45-46 dated 21-8-46
Request orders of Govt on the
resolution dated 14-8-46 of the city
Municipal Council, directing the
Commissioner to give effect to the
previous resolution dated 7-3-46 by
asking Messrs Annadanatha and M
Swaminathan to take charge of the duties of
the personal Assistant and Octroi Superintendent
(2) The Bangalore city Municipal Council
has again resolved that the Municipal Comr
be directed to give effect to the Council
resolution dated 7-3-46 immediately by
asking Messrs Annadanappa and M
Swaminathan to take charge of the Offices of
the personal Assistant to the Comr and the
Octroi Superintendent respectively"
(3) The Municipal Council is not in
favour of selecting an Amildar out of the
panel of names furnished by the Revenue
Comr for the post of the personal Assistant
on the ground that very Competent men are
available among the Municipal employees to
fill up these places
(4) The Municipal Council has raised the
legal aspect of the question, the
power of Government to veto
resolution passed by the Municipal Council
under Section 22 of the Mysore City

NOTI —Contn Sheet

Serial No 1

Municipalities Act 1933, in respect of Municipal employees

65) As contemplated under Section 49 (d) (i) and (e) of the Mysore City Municipalities Act, 1933, the Bangalore City Municipal Council has not so far framed any rules for determining the strength of officers and servants to be employed by it and laying down the mode and conditions of appointments of officers and Municipal servants. This is practically an omission on the part of the Municipal Council. Advantage is now taken of by the Municipal Council to urge that the Govt has no powers to interfere with a resolution passed by it under Section 22 of the Act.

66 This question is being repeatedly raised by the Municipal Council. In Sept 1941 the Municipal Council had requested the Govt that they may be empowered to appoint their own employees of all grades and denominations except the Municipal Commr. But the proposal was vetoed by the Govt as the existing arrangement was in accordance with the statutory provisions and the rules framed thereunder and as it involved a change in policy which was in vogue

VD 03814—GPB—15 000—20-7 46

Serial No

for a long time (Vide G.O. No. 2 35-30 PH 55-41-8, dated 6-11-1941)

Flag 'E'

b) Reference is also invited to the Rewards Minute dated 16-5-42 and the notes and discussions on the subject

Flag 'D'

b) Under Sections 49 (b) ii and c and 228 (2) c of the City Municipalities Act, 1933, Government has power to make rules or orders regulating the appointment of Officers and their designation and determining their duties and salaries of such Officers in the City Municipalities

c) The present resolution of the Municipal Council would therefore not be in conformity with the above Statutory provisions and various Government orders passed in the matter of appointment, transfer and control of the officials in the Municipality

d) The proposal in para 62, supra is for orders

i) Refer paras 35 to 43 of the notes supra

2/8 ii) The opinion of the Law Secretary on the interpretation of sec 22 of the Income-tax Act as made by the Hon'ble City Municipality may perhaps be obtained in the first instance

Rev Dept 21/10.

NOTI —Contn Sheet

31/9/46

Serial No

In favour of person

Asst Sec. Law section) for
MC Mfg Dept

subdl

J 3/9

. The point for consideration is whether s 22 of the City Municipalities Act 1933 vests in the Municipal powers to appoint all officers except those specially reserved under s 23 (4) of the Act

"(5) A municipal corporation has only such powers as are clearly and unmistakably granted to it under the Act Public officers are a public trust and a municipal corporation cannot create a public office without express legislative authority

" Reference is invited to the discussion in paragraphs 14 to 17 of Mf file (placed below) regarding the desirability or otherwise of empowering the municipality to appoint its own officers and to paragraphs 48 to 52 in the file (placed below) for those the practice of appointments is explained

" s 22 of the Act states that 'except as otherwise expressly provided the municipal government vests in the municipality s 49(c) of provides for vesting of rights & the Municipality in the

Halsbury: Vol(8) p 359

Mf File No. 55-49

WD 0-3814—GPB—15 000—20 7 46

Serial No

mode of appointing municipal servants
It is not clear, however whether any
such rules have been framed there
A suitable distinction is known under
between municipal servants and Govt
servants (and to the municipality (under
powers to s 69 s 228 (2) (a) makes
provision for framing of rules & Govt as
to the period of office and payment of
pension etc to all officers and servants
(b) Though s 234 vests the
power to appoint certain officers (Commissioner
Health officer and Ch Engineer), it cannot be
interpreted that s 22 ~~empowering~~
section covers all the rule making powers
to be vested in the Municipality Control
on the whole establishment being vested
to Govt under s 223 it appears s 22
is too vague and the Municipality at
appears cannot claim powers not expressly
conferred by statute The Attorney-General
may perhaps be consulted

A711
69

(c) Rules related at para 51
on file No 5182/L (Flag D) under
the rules regulating not
only the appointments of Revenue
Officers but also the P A to the
Municipal Commissioner & the
Octroi Superintendent are under

considered Have these rules been issued? If so a copy of the rules may kindly be sent-

for 9/9

Asst Secy L Sec W/C)

for 9/9 W/C

No rules in this behalf have been finally issued

Asst Secy Law Section) for 11/9 W/C

for 12/9

for 11/9

With reference to para 79 supra, it is stated that no rules have been framed under S 49 by the Municipality

The appointments in question, however, are not covered by S 234 and S 234(A) of the City Municipalities Act The Municipality contends that the Govt's power ~~to control~~ to control certain appointments under S 223 ~~(by Government)~~ does not cover power to appoint officers Government have, ~~to appoint,~~ under S 49 (b)(2) and S 228(1) of the Act, power to frame rules regulating the appointment of the staff The words "determining the staff of officers and servants to be employed by the Municipal Council" as per S 49(4)(2) indicate that ~~appear to vest~~ vests the authority to appoint officers with the Municipality itself Even now the Government sends a panel of names to the Municipality and the Municipality chooses a person and appoints him

for 17/9

Law Secy)

1814—GPP—15 000—20 7 46

Serial No

The point under consideration relates to the powers of appointment in the City Municipality, Bangalore So far as the City Municipalities Act - Act VII of 1933 is concerned the Municipal Council as a body is not invested with the power to make appointments by itself or without reference to recommendations, if any, made by the Municipal -- Commissioner According to the scheme of the Act, so long as a Municipality has a Municipal Commissioner he is invested with all the powers of a Chief Officer mentioned in Section 237 of the City Municipalities Act and further under Section 245 he is invested with powers specified therein According to Section 245 clause (1) "he shall, ~~and~~ subject to the provisions of the Act and save where it is expressly provided in this act, perform and exercise the duties and powers of the president under clauses (b)(d)(e) and (g) of sub-section (1) of Section 24" besides exercising all the powers specifically conferred on the chief officer by the provisions of the Act Under Section 237, the Municipal Commissioner while exercising the powers of a Chief Officer shall have power (clause (a) (ii) with such previous sanction of the Municipal Council) in each case to appoint to any post under the Municipal Council other than that of the Health Officer Engineer or chief Accountant Even though all the provisions of the Act may be scrutinised it is nowhere to be found, so far as I can see, that the Municipal Council is invested with powers to make appointments It is only the Commissioner who has to make appointment

NOTE—Contn Sheet

Serial No

securing the previous sanction of the Municipal Council In these circumstances, the proposals for an appointment can only be made by the Municipal Commissioner and not by the Municipal Council and the Municipal Commissioner has to secure the sanction of the Council in specified cases This being the position under law with reference to appointments in a City Municipality, I consider that the power to propose which implies selection of candidates for appointment rests with the Municipal Commissioner. He may select either from the list proposed by the Revenue Commissioner or any other list which he thinks proper to take into account The choice of the officer for any appointment seems to lie with the Municipal Commissioner alone subject however to the requirement that in the specified cases the Municipal Council should accord sanction What would happen to a proposal by the Municipal Commissioner if it is not sanctioned by the Municipal Council can be easily made out The Municipal Council can only negative by its veto the proposal but cannot substitute a proposal of its own accord The Act as it stands money indicates that the Municipal Commissioner should make the proposals until he secures sanction in specific instances Then the appointment ~~can be~~ to made ~~in the specified instances~~ by the Municipal Commissioner Section 49(b)(ii) only lays down that the Municipal Council has power to determine the staff of officers to be employed by the Municipality and their designations etc , but such a power cannot be said to mean that the power of appointment is vested in the Council Otherwise, Chapters XIII and XIV would be anomalous If therefore the

WD 03814—GPB—15 000—20 7 46

Serial No

the Municipal Commissioner has not selected any of the persons proposed by the Revenue Commissioner it would not offend against any provisions of the City Municipalities Act There is no provision in the Act according to which the Municipal Commissioner has to receive directions from the Government in the matter of selections for the appointments in the Municipality whatever might be the convention that has been so long prevailing viz , that the Municipal Commissioner was ~~or was not~~ or may be selecting persons proposed by the Revenue Commissioner or other authorities So far as the communication from the Commissioner to the Government is concerned, this much may be said viz , that he cannot say that the Municipality has sanctioned the appointments and therefore other selections could not be made It ought to be that his selections have been approved by the Council and if he wants ~~to do he should~~ so to be may be seek the Government s approval if necessary for his selections There is no point in saying that this proposed selection may be approved because the Municipality has sanctioned it The Municipality could have sanctioned only what he proposed as mentioned above for the convenience of the Commr regarding appointments in the Municipality, the authorities concerned are to be informed so as to enable prior approval of selections in this regard

RW Sarma) MC 20/9

20/9

84/ The Views of the Advocate General

NOTE—Contn Sheet

1503

File No. of 194 | General and Revenue Secretariat

Serial No

May perhaps be obtained as this is a ticklish & fairly important matter. It seems necessary to take a firm decision in the matter

Minister for Edn & PH) Sd/- 30/x/46

30 Oct

Sd/- 7/11/46

Sd/- 9/11/46

Sd/- 1/11/46

No 69/467 -11-46

8) Forwarded with compliments for the Advocate General in Bgre for favour of an expression of opinion on the subject—

Sd/- 11/11/46

Secretary to Govt

Advocate General

5) The question has arisen, who is to affix the Personal assistant to the Commissioner of the Bangalore City Municipality

8) under Sec 22 (1) of the City Municipalities Act

COPY OF THE MEMORANDUM FOR EDUCATION & P H
Date 30 10 46
No. 2770

No. 228/46-7
dt. 1. 11. 46

No. 100/462
46-47
dt. 21. 11. 46

the municipal Govt of a municipality vests in the municipal Council except to the extent in the Act otherwise provided The power conferred is in quite general terms and is curtailed only to the extent 'otherwise expressly provided' in the Act Note the word "expressly" i.e, there can be no curtailment by implication

8?) Municipal Government undoubtedly carries with it the right to appoint officers to carry on such Government I may support the above observation by reference to Secs 234 and 233 of the Act by which the Council is recognised as the appointing authority but the sanction or approval is given by Government is vested upon in respect of the particular appointments/ I may also draw attention to Sec 248 (2) which reads thus, 'When a municipal Commissioner has been appointed under the provisions of this Regulation all other officers and servants employed by the municipal Council (underlining by me) shall be subordinate to him" It is thus the municipal Council that employs its officers and servants subject of course to this, that to the power being conferred on some one else by Statute or delegated to some other by the Council

/ The new Section 234 A provides for Govt taking the power

9) I feel no doubt that Government are not the appointing authority, because the power to appoint a personal Assistant to the Commissioner is nowhere reserved to them under the Act nor is the sanction or approval of Government necessary for the appointment which is specifically provided for in the case of appointment of a Chief officer, a health officer and an Engineer (vide Secs 233 and 234) Government are only a controlling authority and may not take part in the day to day administration of a municipality The Chapter in the Act which is entirely devoted to define the powers of Government in relation to a municipality, numbered chapter XII, bears the heading, "CONTROL"

9) What remains is to consider whether the Council or the Commissioner is to appoint the Personal Assistant A municipal Commissioner exercises,

exercises all powers conferred on a chief officer and certain additional powers Reading Secs 237, 245(2) and 248, it emerges that a Commissioner shall have power to appoint to any post carrying a salary of more than Rs 60/-, only with the previous sanction of the Council The post of Personal Assistant is one such Though by virtue of these provisions the Commissioner is empowered to appoint, they cannot take away the right of the Council to appoint, if it chooses I cannot construe the above sections as constituting the Commissioner the sole appointing authority.

94) There is however another provision of the Act which requires careful scrutiny when we are considering whether it is the Council that appoints or the Commissioner Has the Council power to appoint or can it only sanction or withhold sanction to a proposal by the Commissioner to appoint? This aspect is not of much importance, in my opinion, because once it is conceded that the Commissioner cannot appoint without the previous sanction of the Council, that body can go on refusing sanction till the candidate of its choice is proposed by the Commissioner I shall, anyhow, consider the aspect The provision I referred to in the opening lines of this paragraph is Sec 22 of the Act That section while by its first clause vests the Municipal Government in the Council, by its 2nd clause vests "the executive power for the purpose of carrying and the provisions of this Regulation . . , subject, however wherever it is in this Regulation expressly so directed, to the approval of the Municipal Council . . " in the Commissioner The term "executive power is not defined in the Act and is not free from ambiguity It may or may not include the power to appoint but as it is provided that such power is subject to approval by the Council wherever it is so provided and such approval or sanction is stipulated for in the appointment for posts carrying a salary of more than Rs 60/-, it may be said it is the Commissioner that appoints but has to obtain the previous sanction of the Council

95) In the particular instance which gave rise to the consideration of the provisions of the Act in relation to the power of appointment, there is no divergence of opinion between the Council and the Commissioner Both as it is said that

questions constantly arose as to who is the appointing authority, I have studied the question and expressed my views

94) Before concluding I have to advert to one view expressed in the note that the Municipal Council has not exercised its power under Sec 49 and therefore has no right to appoint That section has reference to the determination of the staff & officers i.e, what are the offices to be created for purpose of carrying on municipal administration and has no reference to the personnel to hold those offices

Sd/- Ethiraj Rao
A.G. 21/11/46

95) We have go of the notes Sukhia, the Advocate General has expressed the opinion as follows.

I feel no doubt that Government are not the appointing authority, because the power to appoint a personal Assistant to the Commr is nowhere reserved to them under the Act

96) We approved draft rules relating to the appointment of personal Asst to the Municipal Comm will be framed under Section 220(2) (c) read with Section 49 (b) ii and (c) of the Mysore City Municipalities Act 1933, and sent to the Law Section for observations

97) Refer Government Order dated 25 Sukhia

These papers relate to the resolution passed by the Bombay Council on 14 & 16 to the effect that the Council has the power to appoint certain persons as P A to the municipal Comm & other superintendent without reference to the Govt at all

Though the resolution specifically refers to two appointments — in the Mcty, yet it has a general bearing on the entire question of the powers of Govt as against the Mcty in making appointments in the Mcty

9) The question was examined by the Law Secretary who have furnished their opinion vide paras 83 supra The opinion of the Advocate-General has also been taken vide paras 87 to 94 supra He holds the view that the Govt are not the appointing authority because the power to appoint a personal assistant to the Municipal Comm is nowhere reserved to the Govt under the Act

10 In this connection in view of the importance of the question, it is necessary

to examine the Statutory provisions,
the practice & precedent and to arrive
at a decision as to the definite action
to be taken in the matter

(viii) Statutory Provision under Sec 234A
of the Amendment of the Act of 1923, the
Govt have the power to make the appointments
of Chief Inspecting Officers & Health officers & Mil Engineers in
any Mills. In fact this power has been
taken over by them: Officers of the Health
and P W D Depts are posted as H.O.s
& Engineers in the two Mills where are
Statutory officers just like the Municipal
Govt

102 — Under Sec 21(1)(a)(+), the Mil Govt is
solely competent to make appointments of
persons of a salary not exceeding Rs 60/pm
Other than the post of H. O. Mil Engr,
Chief accountant, Manager or Auditor
provided in the Act are the post of
Personal Assistant to the Mil Govt, Acctn
Superintendent or Revenue Officer mentioned
This provision is not debatable as
these appointments came into being

only in the year 1936 onwards.
While the Act was passed in the year
1933 they have left effluxion the omission as it
was felt did not reserve the power of making these
In regard to the appointment of the P.A.
to the M.L. Govt it is of the grade of
an Assistant Secretary so far has
been for the MLs to get a panel of
names of Assistants for the Revenue Dept
Select an officer therefrom & report the
decision to the Govt for approval
This is working well in practice for nearly
ten years the officer selected would
hold the appointment as a temporary
and would revert to the Rev Dept at the
end of his period. This is the practice
followed even in case of the appointment
a Revenue officer for Municipality
and when a Revenue officer was appointed
by the Municipality MLs in connection
the revision of assessment of lands
buildings, the same procedure was
followed about two years ago.
In regard to the appointment of a Revenue
Inspector Superintendent in Municipalities Special
grades of pay have been fixed as
Rs 100—10—250—15—400 and a Time

Those duly Enclosed Notices by
Messrs Liddalengaffe & Broadmeadow,
they were appointed as Receiver &
Chief Superintendent respectively under the
Provisions of Sect

105 But now all on a sudden, the Md
have discovered in Connection with the
filling up of the post of Ass to
the Md Council (making) the Consequential
arrangements that the power of choosing the
Personnel rests in them entirely — without
any kind of reference to the Govt one of the
arguments advanced by the Md Council, when urged for
appointment in March last that the
Govt Can interfere only in respect of the
appointments specifically mentioned in the
Act It is not clear why have the
Md accepted the position for over ten
(present)
years and why the practice Precedent
which has worked smoothly is being ignored
Completely

106 The point for Consideration is whether
the power by that the Govt have, to
control the Personnel to be attached to the

above appointments cannot be accepted merely because these posts are not mentioned in the Act. It cannot be the intention of the framers of this Act that the Act would abrogate their powers of Control in regard to important matters of this kind, especially when the Governance of this city requires to be entrusted to an elected body like the Municipal Corporation which is a democratic & representative institution like this city, such control requires to be tightened especially when the administration tends to be more and more independent of the people, newspapers, Liberty & public opinion as has been the case in the recent occurrence that in respect of the appointment of a Chief Officer for the Calcutta Corporation, the Board first elected, the appointment of one Mr. Chatterjee, as I.N.A officer (discharged), was thought, by instance is sufficient to show that the Govt Control is absolutely essential in regard to such appointments & appointments necessary for choosing the personnel of

(37)

It maybe argued that a hypothetical case that, if the Minister of M
wants to intervene to appoint an acting Mutsaddi as an acting Superintendent
or a Shebdopha as a revenue officer
the Court cannot interfere with and
the power & discretion of the M Act

Now question is likely to arise
frequently & it is desirable to
settle it once for all
(39) The Advocate General has the view
that, as the effect of the Act stands at
present, the power in question vests in
the M Govt. The point is that the
M Act has not so far framed the
rules required in this behalf under the
several sub-clauses of sec 45 of the Act
Neither have the Govt framed the required rule
under sec 228 (c) of the Act for the
appointment of persons who are making
for the working of the Act, it seems that it
may be held that the residuary power of
making the appointments of the Board vests
in the Government. This position may be
contested till the effect of the
1933 is amended suitably so as

to bring the appointments of P-M to this
Act into force. The new offices of the Court (even to market superintendency under the provisions of the Act) such appointments are made subject to the control of the Secretary of State in Council as to the duties & salary attached to the offices themselves. This would be necessary for future guidance.

To clarify matters, the Board should also take the opinion of Counsel as to whether the power of framing rules under s. 99 of the Act already mentioned necessary rules would also require to be framed by the first under Sec 2 sub-sec 3 of the Act for further action to fill up the lacunae in the Act & the rules will be taken

This has been done by the Supreme Court

(4) In the meanwhile, the question for consideration is as to whether the posts in the City could be filled up, consistent with the results of the Act & the action to be taken by the Govt in this behalf:-

The posts of Sh. Andhes should be filled up

This of the Senate of Law should be under Sec 130-22-2-150 Mr. N. Sadasivayya

as also the Revenue Officer in the City of

He has passed all the local tests for an M-a Lab
Asst of the grade of an Inspector
has drawn a pay of Rs 200 in grade
Rs 150 - 25/2 - 250. He has been Recommended
when there are two years of through
appointed as P. A. to the Director of Labs
he has the required knowledge of the Urdu
Whether he may not be appointed as such
- is for consideration.

Mr K Ramadandha Babu is an
acting Superintendent of Govt Press at
Rs 150/- in grade 100 - 10 - 150 - 25/2 - 250
He may if approved, be appointed as Recruit
Supdt on the Telly

Mr Kulakarni Inspector Boiler is a
Chemist on Rs 105/- in grade 100 - 5 - 150
He has been working for promotion in any
one of the vacancies as acting Supdt or Recruit
If merely his technical qualification is
considered not to stand in his way, the question
of promoting him as acting Superintendent
may be considered ;

or

Mr M. Subramanian M-a who is
a Circuit clerk on Rs 60+10 may
be recommended be granted as an

1503
L

electric superintendent. But it may be
limited at that it would involve a big jump
to the foreman's pay of Rs 60/- to
Rs 100 - 10 - 150 - EB - 10 - 250

10 The above suggestions are considered
and orders. These are all well deserved
Municipal Officers & their appointments as
above would besides giving them a change
from their present places, be an incentive
for further good work and to fill in
vice appointments - are now approved of for
on the present occasion & are not to be taken
as precedents. The future course of action will be
determined with reference to the amendment of the
Act which has to be passed hereafter
to regulate such appointments & future
promotions -

Rev Secy to Govt 12/1/49

11a) We referred the matter to
the Public Service Commn on
a separate file. Is it not?
Has he furnished his views?

Govt 15/1/49

11b) The present proposals were
not referred to the Public
Service Commissioner, at any stage, from the L.S.G. Branch

Rev Secy to Govt 16/1/49

12) Should he not be Consulted? Ans 17/1/49 for

1) It is beyond doubt that the choice of P A to the Commissioner lies with the Commissioner and in the present case the Commissioner has selected Mr Annadanappa which has been agreed to by the Municipal Council The contention of the Municipal Council that Government have no power in the matter of this selection is untenable in the light of what is stated in paras If the Municipal Council wants this matter to be placed beyond all doubt and controversy, they have to take action to amend the Act suitably

2) As the choice of P A to the Commissioner lies with the Commissioner, the appointment of P A to the Commissioner should necessarily be on tenure basis to enable the successive Commissioners to have scope for their own choice which is provided in the Statute itself The appointment of Mr Annadanappa cannot therefore be on permanent basis but can be only on tenure basis, his lien being on his permanent appointment of the Octroi Superintendent Otherwise, he will have no place when the present Commissioner is transferred out and his successor does not elect to have him as his P A As the appointment of Mr Annadanappa as P A has to be on tenure basis, the consequential vacancy of Octroi Superintendent is not of a permanent nature and the appointment of any person as Octroi Superintendent will to be on acting or S P T basis, and it should, in all fairness go to the seniormost executive official in the Municipality provided he is reported to be suitable by reason of conduct and work The Municipality has not maintained any gradation list of executive officials and therefore it is not possible to say who is entitled to promotion to the above post As regards Messrs Swaminathan an

Kulasekhara Mudaliar, the former is in the Ministerial line and the latter holds a technical post, and, as such, none has a legitimate claim to the post of Octroi Superintendent In view of the fact that the vacancy of Octroi Superintendent is of a temporary nature and that the Municipal Council and the Commissioner have strongly urged the case of Swaminathan, his case may be considered without prejudice to the claims of officials in the executive line

Subject to the above observations, sanction is accorded to (1) the appointment of Mr Annadanappa as P A to the Commissioner on tenure basis, and (2) the appointment of Mr Swaminathan as Octroi Superintendent on acting basis The Commissioner may also be asked to see that an up-to-date gradation list of officials holding executive, clerical and technical posts is prepared and maintained

1740
A

petition dated 5-9-46 addressed to Revenue Secretary to Govt, from Sri A Kulasekhara Mudaliar, Ford Analyst (on leave) Bangalore City Municipality requesting his application (three with enclosed) in connection with fixing up of the octroi and Toll Superintendents' pro-posed to Commissioner and Director for Enquiry

1) The petitioner has stated that his application addressed to Govt (through the proper channel) regarding the injustice to him, has not been submitted by the Municipal Town, to Government. Now he has sent two petitions addressed to the Revenue Secretary to the private secretary to C.M. stating his grievances

2) If approved a report will be called for from the Municipal Town Bangalore City

3) Put up

Secretary

9/7 xxx. 11/9

140
2

4) Submit a draft letter
for signature

12/9/46

5) Signature
12/9/46

TYPING SECTION
13 SEP 1946
GEN. & REV SECTT

To The Municipal Commr. Madras
No 37 dt 16-4-46
Calls for a report in 5 days

(illegible)

6) A draft DO reminder is
put up

24/9

7) Signature obtained
24/9/46

To Sabu Damodaran Esq
DO Commr Madras
Lr No nil dated 27-4-46
Reminds him to, submit the report called for
without further delay

TYPING SECTION
25 SEP 1946
GEN. & REV SECTT

8) Another D.O. reminder is put up

8/10

9) Signature obtained
8/10/46

Lr No 156 dt 10-10-46
Reminds

Serial No

From the Municipal Town Bangalore
A.S. P.R 40/45-46 dated 12-10-46

Fds a detailed report on the representation of Mr A Kulasekhara Mudaliar Food Analyst setting forth his grievances on the recommendation made by the Municipal Council to appoint Mr M Swaminathan as acting Superintendent

1) The Municipal Town has not reported as to why he did not submit the original memorial of Mr Kulasekhara Mudaliar addressed to the Government

2) The present report is for perusal

3) In his representation dated 5-9-46 addressed to the Dewan, he has stated that Mr Swaminathan, Council clerk who is drawing Rs 60- only is for junior to him in pay and that the said Council clerk was not appointed by the Bangalore city Municipality for the Municipality.

4) Mr M. Swaminathan M A joined service as clerk in the Revenue Department in the year 1930 & he has been working in the Bangalore city Municipality for the last few years His pay is Rs 60- in Grade Rs 50-2-60, + 15 p A He has, at present, no lien in the Revenue Dept

5) Mr. Kulasekhara Mudaliar has

NOTE—Contn Sheet

Serial No

was appointed as Food ~~Inspector~~ Analyst in the Bangalore City Municipality from 7-4-1936. He has been drawing a pay of Rs 165- in grade Rs 100-5-150- in the City Municipality.

15) It is reported that the Municipal Council has recommended the case of Mr Swaminathan, for the post of the Asst Superintendent on Rs 100-10-150-25-250 + 75 allowance, for the following reasons -

a) that his work has all along been appreciated and recommended for Special Recognition, very often

b) that when he had better offers from other Departments, his services were found so indispensable that he was retained in the Municipality, to the detriment of his interests

16) The promotion question of Mr Swaminathan is under consideration, Separately

17) Refer para 3 Supra for orders

Revised 25/10/38

Mr 18) This is a clear case in 27/10 which the Municipality wishes to promote a Junior official to the detriment of

Serial No

his Seniors. This proposal Cannot be sanctioned & the Comm^r who should know better, should have explained the position to the Council & withheld such a recommendation At this rate, the claims of Senior officials in the Local Bodies would be Easily ignored & there would be no relief

Please ask the Transl Comm^r to explain this Hq

19 It is very regrettable that the previous practice of the Food Analysts was not even sent to Govt when Mr Swaminathan's promotion was suggested It seems quite obvious that there is mischief somewhere and it is time that this Council clerk is shifted to some other Dept or reverted to the Revenue Department. The Comm^r will have to be told not to make such proposals in future

Minister for Ed.

30/x

OFFICE OF THE MINISTER FOR EDUCATION & P H
Date 30 10 46
No 2762

8609

File No | of 194 | General and Revenue Secretariat

Serial No

(21) What is the rank of the Trincomalee in the gradation list and how is he precluded from promotion to higher appointments in the Ceylon Civil Service when the Trincomalee Public Prosecutor was considered eligible for the post of Octroi Superintendent was the Swammalai an officer of the Rev Dept originally and how he is kept on here when other officers are deputed on loan basis from Rev Dept

Please get a report within a week

18/11/46

Done 18/11/46

(22) Do it at once

18/11/46

2nd Issued with two draft letters

18/11

(23) Some at once

18/11/46

Done 19/11

To The Mil-Assistant Govt Agent
L 7335-6, d 19-11-46.
Calls for the above report

Initials

Serial No

From the Municipal Commr Bangalore City
A 5 P 1 1 40, dated 25-11-46

Forwards a draft report on the several points raised in connection with the representation of Mr A Kuladeichara Mudaliar, Food Analyst

25) The points raised and the replies furnished are noted below:-

I Why the previous representation of Mr Kuladeichara Mudaliar addressed to Govt, was not sent up to Govt, when Mr Sivamurthi's case for promotion was suggested ?

states that the covering letter to Govt sending the representation of Mr Mudaliar duly signed by him on 20-3-46 was sent to the president who referred the question to the Council and that the Council observed that the representation of the Food Analyst might be detained in the Municipal office alone

II What is the rank of Mr Mudaliar in the gradation list ?

It is reported that Mr Mudaliar is senior to Mr S Sreenivasaiah, Market Superintendent, on Rs 100-5-150

III How is he precluded from promotion to higher appointments in General

NOTE—Contn Sheet

cadre, when Mr Annadanapha, Probe Prosecuting Inspector was considered eligible for the post of Food Inspector?

It is stated that Mr Annadanapha is holding a technical post of a Food Analyst with little knowledge of municipal administration both executive and ministerial and that Mr Annadanapha was in close touch with municipal administration as Prosecuting Inspector and that the latter was superior for the post of the Food Inspector

IV Was Mr Swaminathan an official of the Revenue Dept how is he kept on in Bangalore City Municipality when other officials are absorbed on a town basis from the Revenue Dept?

States that Mr Swaminathan was originally an official of the Revenue dept and came to Bangalore City Municipality in the year 1935 and that he has been found throughout to be very useful and efficient

2b) Refer paras 20 and 21 of the Notes Supra

Revenue dept

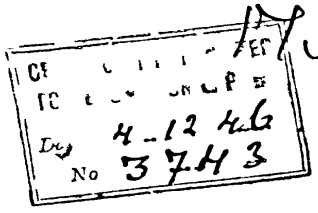
4004
2

The views of the Public Service Commn may be obtained before final orders are passed.

(Minister for Edn
DH)

Dan
4/12

4/12/46



Serial No

115) Local reference is invited to Para 41-(1) (c) of the Government of Mysore Act, 1940, defining the function of the Public Service Commissioner, re suitability of candidates for recruitment, promotion or transfer

Memo from Member

116) Refer Para 114 Supra. The present proposal involves promotion of certain

Do letter dt 7-1-47 from the Ml Comm re filling up the

20/1/47 officials

personal Asst's post in Ml Comm

newspaper Para 2 1/1/47

117)

117) The Public Service Commn has to be Consulted in the matter

' Please find out the papers relating to this at once "

Secretary to H.E. 14-1-47

Minister for Edn & Dft

Secretary) 21/1/47

118)

118) The revenue fees will not be on the file in the light of the note enclosed herewith

17/1/47

119

119) The Municipal Council cannot for a moment contend that they have got powers of appointing the D A to the Commissioner for the powers, duties and function of the Council are specifically

GOVERNMENT OF MYSORE
SECRETARIAT & GENERAL OFFICE
Date 21 1 47
No 4715

defined in the Act and the Council can exercise only the powers conferred on it by the Statute and nothing more. The mere omission to mention in the Act, ~~exists~~ the authority that should appoint certain classes of officers in the Municipality does not empower that body to make those appointments. ~~All that possess~~ The powers that the Govt have reserved for themselves under the Act together with all the residuary powers vest in Govt.

(20) Further, the Municipal Council can only resolve to ~~accord~~ sanction the staff required for the administration of municipal affairs. They cannot appoint the personal to the appointments sanctioned. This power of appointing persons to ~~specified~~ sanctioned posts vests with the Commissioner. According to the Act, the Commissioner is competent to make appointments to posts carrying a salary of not more than Rs 60/- p.m. Such is the position, neither the Council nor the Commissioner has got the power to appoint a P.A. to the Comr which carries a salary of more

General and Revenue Secretariat | File No | of 191

Serial No

This appears to be the position according to law and is supported by precedents and practice

12) It appears necessary to amend the Act to take powers for the Govt to make ~~the~~ appointments for the posts of the P. A, the Octroi Supdt. and the Revenue Officer to afford the occurrence of any conflict

As regards the filling up of these vacancies, one Annadanappa may be appointed to act as P A. to the Commissioner It must be made clear beyond any shadow of doubt that he is not permanently appointed to the post of the P. A, that it is only a tenure appointment and that it is liable to be terminated at the discretion of the Commissioner who is always entitled to bring about any change in the post of the P. A. and that it does not entitle him to seniority or any preferential claim or treatment for the future advancements

12) If one Annadanappa is appointed as P. A, the consequential vacancy of the Octroi Supdt. has to be filled up ~~A~~ between the two claimants

NOTE—Contn Sheet

Serial No

the post, I feel that Mr Kolasekhara Bhadakar has a better claim for the job than Mr Swaminathan because he has been drawing a pay of Rs. 105/- as against Mr Swaminathan's pay of Rs 60/- p.m. As has been observed by the Minister, if Mr Annadanappa, Public Prosecutor was considered eligible for the post of Octroi Supt., why should Mr Bhadakar be precluded from promotion to higher appointments in the general cadre on the ground that he is a technical man. But as the Municipality is not maintaining any gradation list, and as the vacancy of the Octroi Supt is only temporary, ~~I see~~ out of deference and consideration for the strong and unanimous recommendation of the Bl. Council and the Commissioner who are directly responsible for the efficient administration of the Municipality, Mr Swaminathan may be appointed to act as Octroi Supt without prejudice to the seniority of others. It must also be made clear to him that this appointment does not entitle him

Serial No

to any preferential treatment as it is only temporary and on a tenure basis

21/3/47

Govt of India
For Education Dept
Date 18/3/47
No. 6074

Abmr stf for Edn P 19. 18/3

123) 18/3/47

124) Pl put up a DO letter for 19 3 47

125) A draft reply is submitted for Consideration

126) Reply) Lr 20/3/47

Govt of India
For Education Dept
Date 21/3/47
No. 6074

19/3/47 20/3 127) For perusal before issue

Abmr stf for Edn P. 18 18/3

128) 24/3/47

129 DO letter Lr 25/3/47

To The Adm

I 3111/Ad 16-45-252 dt 27-3-47

Issued as ordered accordingly

Govt of India
25 MAR 1947

NOTE– Contn–Sheet

File No 1733 S 724 of 1945 - 9029

General and Revenue Secretariat

Serial No

A draft reminder to the Municipal Commr Bangalore City calling for draft rules, under Section 49 (1) (r) (i) & (ii) of the Mysore City Municipalities Act, 1933 is put up

Sd/-
15/4

15.4.49

16 APR 1949

To Mr Rao

1433 of 15-4-49 calls for the above

Encl A

From the Mr Bangalore City HJ-C 318 dated 24-4-49 states that the draft rules about appointments, promotion etc in the Municipality are before the Bye-laws Committee and that they would be submitted to Govt in due course

The receipt of further report will be awaited.

In the meanwhile, this file may be recorded & the other matter proceeded separately

Sd/-
15/4

Mr Sundaram

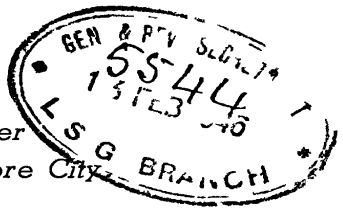
13

0.256—GPB—15 000—8 1-47

No A1-PR 40/45-46 CITY MUNICIPAL OFFICES,
Enc 2 *Bangalore dated* 5th Feb 1946

FROM

SAFI DARASHAH ESQ, B A
Municipal Commissioner
Bangalore City



To

J B Mallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

11/2

SIR,

I have the honour to state that the Comptroller to the Government of Mysore, in his letter No 111/G A D dated 29-10-1945 (copy enclosed) pointed out that in pursuance of Government Order No L 9642-44/R1 12-35-100 dated 19-6-1936, the reversion of Mr A Mariappa, Amildar doing duty as Personal Assistant to the undersigned, to the Revenue Department was due on 13-4-1945, that action might be taken for his transfer according to the said Government Order, and that another Amildar on the initial pay of Rs 150/- may be appointed in his place The letter in question was placed before the Managing Committee who at their meeting held on 14-11-1945 resolved that the subject might be placed before the Municipal Council for information The subject was considered by the Municipal Council at their meeting held on 1-12-1945, when it was resolved that action might be taken according to the Government Order of 1936 in this behalf

2 I enclose herein a copy of the said Council Resolution for favour of reference and request that a panel of names of the Amildars on an initial pay of Rs 150/- may be caused to be sent for selection of

of an Officer by the Municipal Council

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments

A C Surjamarasamarao
9/2/46
Honorary President

hsr/-

Letter No 111/GAD dated 29th Octobdr 1945 from the Comptroller to Government to the Municipal Commissioner, Bangalore City

---

With reference to your letter No A6,P R,40/45 dated 1-10-1945 requesting this office to furnish its opinion re the representation of Mr A Lariappa, Personal Assistant to the Municipal Commissioner, I have the honour to state that the appointment of the Personal Assistant is not a tenure appointment, as stated by the petitioner and the pay of the appointment as such is not fixed, but Govt order No L 9642-44/M1.12-35-100 dated 19-6-36 directs that an Amildar on the initial pay of his grade (i e , Rs 150/-) may be selected for the post of the Personal Assistant and changed every 3 years to keep down cost As per G O.No L 9163-6/M1 10-41-99 dated 28-3-42, he is entitled to draw his grade pay (i e , as Amildar) plus a Duty Allowance of Rs 50/- p m He can therefore draw increments only as Amildar and the dates from which they have been sanctioned are in order

In this connection I wish to bring to your kind notice that Mr A Mariappa's reversion to the Revenue Department was due on 13-4-1945 as he has completed 3 years on that date, as per the G O dated 19-6-36 referred to above Since he has been granted 2 increments as Amildar raising his pay to Rs 200/- with effect from 14-8-45, he has necessarily to be transferred to keep down cost and another Amildar on the initial pay of Ps 150/- selected in his place as per G O dated 19-6-36

'Copy'

hsr/-

Municipal Commissioner

Proceedings of the meeting of the Council dated 1-12-1945.

Sub Addl 25. Opinion of the Managing Committee dated 14-11-1945 referring the letter of the Comptroller in the matter of grant of increments to the Personal Assistant, Mr A Mariappa, etc , to the Council with connected papers

Proposition No 2 Mr Ramallal Thiwari & Mr D Venkataramanappa to move -

" This Council resolves that, in pursuance of the Standing Orders of Government and in accordance with the policy of periodical transfers, Mr A Mariappa, B A , Personal Assistant to the Municipal Commissioner, who has remained in this Municipality for more than three years be immediately transferred and that the Government be requested to send a panel of names of Amildars for appointment by the Municipal Council"

Resn Considered with subject No Addl 25 of 1-12-1945

Proposition No 2 Mr Ramalal Thiwari moved and Mr D Venkataramanappa seconding the same said that Mr Mariappa, the present Personal Assistant was in this Municipality for over three years and that in accordance with the G O of 1936, he ought to be transferred Further, the said G O had also specified that only a junior Amildar drawing a pay of Rs 150/- per month should be appointed as Personal Assistant so that the cost to the Municipality would not be much Mr Mariappa was drawing Rs 200/- and hence the Municipality had to bear the extra cost of Rs 50/- per month

Mr M K Narayana Iyengar observed that the office had also placed the letter from the Comptroller in this behalf before the Managing Committee who had referred the matter ~~to the matter~~ to the Council So this subject No Addl 25 on the agenda may be taken up along with this proposition He further observed that since the proposition moved by Mr Ramalal Thiwari might reflect on the officer concerned and as there was already a subject before them placed by the office, it was better the proposition was withdrawn by Mr Ramalal Thiwari

Then the President explained to the House that in their order of 1936, the Government had laid down that the Personal Assistant to the Commissioner should be an Amildar on a pay of Rs 150/- per month and should be transferred after three years Mr Mariappa had put in more than three years' service here and drawing the maximum pay of the Amildar viz , Rs 150/- Hence the reference from the Comptroller for his transfer

Then the following resolution was passed

Resolution - The Commissioner is requested to take action according to the Government Order of 1936 in this behalf

Sd/- M A Gopalaswamy Iyengar,
Honorary President

'Copy'

Municipal Commissioner

2 copies

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L 8521

General and Revenue Secretriat

( )

the 194

To

The Revenue Commissioner
in Mysore Bangalore

Sir,

Date of issue 23-2-46

Signed by H G Rao

I am directed to state that, in accordance with G.O No L 9642-44/MI 2-35-100, dated 19-6-1936 it is proposed by the Bangalore City Municipal Council to ~~transfer~~ revert the present ~~Revenue~~ personal staff ~~Officer~~ Tr A. ~~Ann~~ Mariappa Amildar, to the Revenue Dept and to request you to be so good as to send direct to the Municipal Comr a panel of names of Amildars on an

List of enclosures

Copied by

Examined by

WD 0874—GPB—25 000— 0 11-45

initial pay of Rs 150/- from
which a selection could be
be made for the post in question
by the city Municipal Council.
A copy of Your letter on the
subject may also be sent simultaneously
for the information of Govt
The matter may be kindly
treated as urgent

Chief Engr

from

Revenue Secy

Memo no/8522 dt 23 2 46

Copy wc to Municipal Comm
Bangalore City for the Dist,
for information with
reference to his letter no A6-p-2
dis/5- dt 5-2-46

for

from

for Revenue Secy

GOVERNMENT OF MYSORE

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE

No Al 3307/45-46

Dated, Bangalore, 26th February'46

To

The Municipal Commissioner,
Bangalore City Municipality,
Bangalore

Sir,

Subject - Posting of a Revenue Officer - To the City Municipality - Bangalore -

I have the honour to forward, herewith, a copy of letter No L 8521 dated 23rd February 1946, received from the Secretary to Government, Revenue Department, on the above subject

Messrs

1 H Halappa, Amildar, Tarikere
2 B Kallappa, Amildar, Turuvekere
3 C R Rudrappa, Amildar, doing duty as Revenue Officer, Hindustan Air Craft, Bangalore
4 V N Ramaswamy Mudaliar, Amildar on leave
5 C J Padmanabha, Amildar on leave
6 M R Narasinga Rao, Amildar, Mudigere
7 C V Krishnaswamy, Amildar, Seringapatam

I note in the margin a panel of names of Amildars, for selection of any one among them to the post of the Revenue Officer of your Municipality Of the panel sent, Mr C J Padmanabha, Amildar, is drawing Rs 175/- per mensem

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) M Seshadri,
Revenue Commissioner

R4288

- 2 -

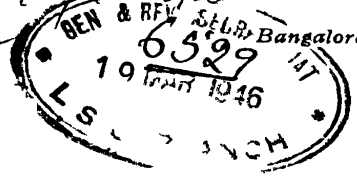
28 FEB 1946
REVENUE
P.291
LSG Branch

MEMO

Copy of the above is forwarded with compliments to the Secretary to the Government of Mysore, Revenue Department, Bangalore, for favour of information

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station

No A6-PR 40[illegible]-46 CITY MUNICIPAL OFFICES,
Exist one



Bangalore dated 16th March 1946

FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner
Bangalore City

To

B Mallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR,

In continuation of this office letter of even number dated the 5th February 1946 and with reference to your Memo No L 8522 of the 23rd February 1946 in the matter of transfer of Mr. A Mariappa, Personal Assistant, I have the honour to state that the panel of names of Amildars sent by the Revenue Commissioner for selecting an officer in place of Mr Mariappa was considered by the Managing Committee at their meeting held on 6-3-1946 and they have resolved that Mr C Annadanappa, B A, LL B the present Octroi Superintendent be posted as Personal Assistant in place of Mr Mariappa (under orders of transfer to Sorab Taluk as Amildar) and that Mr M Swaminathan, M A, may be made Octroi Superintendent and that his place may be filled up by the Commissioner from the existing staff in order of service and merit This was placed before the Council on 7-3-1946 and they have unanimously approved of the opinion of the Managing Committee and have further resolved that Mr Mariappa may be relieved immediately by the Revenue Officer A copy of the Council resolution in this behalf is herein enclosed for favour of information of Government

2 In this connection I have the honour to invite kind reference to Government Order No L 4797-8/M1 10-42-148

dated 8-11-1943 sanctioning the revision of the scale of pay of the Octroi Superintendent to Rs 100-10-150/25/2-250 with a view to see that the rank and status of this officer was at par with those of the Personal Assistant and the Revenue Officer so that an interchange among these officers was possible

3 As regards the qualifications of Mr C Annadanappa and Mr Swaminathan, the former is a B A , LL B , and has put in 9 years of service in this Municipality He is drawing a pay of Rs 130/- in grade 100-10-150-25/2-250 He has had varied experience of Municipal matters and assisted in the drafting of the municipal bye-laws He has been the Octroi Superintendent for the last 3½ years and his work has been quite satisfactory

4 As regards Mr Swaminathan, he is an M A in English Literature and has put in more than 10 years of service in this Municipality His work has been very often appreciated both by the Executive officers and the Municipal Council He is an intelligent and hard working official and is quite capable of discharging the duties of the Octroi Superintendent

5 In these circumstances, I request that orders of Government may kindly be obtained approving the resolution of the Council which suggests very suitable arrangements in this connection

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-

Forwarded with compliments

Honorary President 18/3

Proceedings of the meeting of the Council dated 7-3-1946

Subject No 26 Opinion of the Managing Committee dated 6-3-1946 that Mr Andanappa may be posted as Personal Assistant to the Commissioner in place of Mr A Mariappa under orders of transfer and that Mr Swaminathe be made Octroi Superintendent and the Commissioner to make arrangements to fill up the latter's place from the existing staff in order of service and merit

Mr C N Narasinga Rao moving the opinion of the Managing Committee said that the panel of names sent by the Revenue Commissioner for Personal Assistant's place was considered by the Committee who finally came to the present conclusion on the following grounds

No doubt the Amildars according to the list before them were drawing Rs 150/- per month, but it had been the lot of this Municipality so far that after one of them was selected and he worked for a couple of months in this place, the selected officer would be given his promotion in the Revenue Department with retrospective effect with the result the Municipality would have to bear the extra cost and the very object with which they would be asking for an officer drawing Rs 150/- per month with a view to lessen their expenditure would be frustrated Mr Annadanappa was drawing only Rs 130/- now and by appointing him as Personal Assistant on Rs 150/- there would not be any extra cost for the Municipality for some years to come

The second point for consideration was that the post of the Personal Assistant was a very responsible one requiring a very experienced officer for the place who was in the know of all municipal matters The place was such that the officer appointed should be in a position to guide in the absence of the Commissioner The names suggested by the Revenue Commissioner were all of ~~ex~~ Amildars who were new to municipal work and it would take some time for them to get into touch with municipal matters Mr C Annadanapp started his service in this Municipality and had varied experience of municipal work He had assisted in the drafting of the bye-laws and had done very good as Octroi Superintendent where he had shown his administrative capacity So the Committee pitched ~~upon~~ upon him for Personal Assistant's place

The third aspect that made the Committee take this decision was the fact that such places could be best utilised for giving promotions to well deserving and experienced municipal employees Instead of getting an outsider to this post, the Committee thought they could recognise the services of their own municipal employees by promoting the best deserving amongst them

Considering all these aspects, the Committee decided to post Mr C Annadanappa as Personal Assistant to the Commissioner

As regards filling up of his post, the Committee considered the the questions of all available officials and selected Mr M Swaminat as the most highly qualified and best fitted for the post of Octroi Superintendent With his wide experience of municipal affairs for over ten years and his very high qualifications, Mr Swaminathan was expected to fill the place of the Octroi Superintendent with credit . Further, the Municipal Council and the Executive had all along appreciated the work of this official and had recommended his case for special recognition very often but the same has been turned down for want of a suitable vacancy And when he had better offers from other Departments, his services were found so indispensable that he was retained here alone to the detriment of his interests So the Committee thought that it would be doing justice by giving him this chance for which he was very well qualified and appointed him as the Octroi Superintendent By so doing the Committee thought it would be

recognising the services rendered by its employees suitably and would be giving them promotion etc

These two appointments made by the Managing Committee were in order from all aspects might be approved by the Council As regards the relief of Mr A Mariappa, Mr C N Narasinga Rao observed that since orders of transfer had been received it was but right that he should be relieved forthwith He suggested that arrangements may be made to relieve him immediately

Mr K Ambrose Ananda wanted to know if the Committee had obtained the opinion of the Commissioner while coming to the above decisions and the President informed the House that the Municipal Commissioner was in the Managing Committee when discussions took place and that he had given his unqualified agreement to the present proposals

The President then pointed out to the House that the decision arrived at by the Committee was justified in many ways, one, that the expenditure to the Municipality would not be heavy as it will be limited to Rs 150/- per month and secondly the services rendered by their employees would be recognised thus giving an incentive to all subordinates to work with better vigour and earnestness in future The Committee had selected the best subordinates to fill up the two very important posts and the Council would do well to accept their recommendations

Mr K M Naganna seconded Mr C N Narasinga Rao and said that if the Commissioner could not put Mr Annadanappa in charge of Personal Assistant's Office, he could at least ask the Revenue Officer to relieve Mr Mariappa immediately and that this may be done

Resolution -

The opinion of the Managing Committee is approved. The Commissioner is requested to relieve Mr Mariappa immediately by asking the Revenue Officer to take charge

Sd/- H C Suryanarayana Rao,
Honorary President

'Copy'

Municipal Commissioner.

hsr/-

R SAFI DARASHAH B A
MUNICIPAL COMMISSIONER

CITY MUNICIPAL OFFICES
BANGALORE
Dated 21st March 1946

A6 P R 40/45-46

Dear Sir,

In inviting kind reference to this office letter of even number dated the 18th instant, regarding the posting of an Officer as Personal Assistant, I write to state that the Government Order referred to in the second para of the letter is wrongly noted and may kindly be corrected as G O No L 3065-67/M1 129-41-2 dated the 23rd October 1941

Yours sincerely,

Darashah

J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department,
Bangalore

hsr/-

Proceedings of the Government of His Highness
the Maharaja of Mysore

Read -

Letter No Al 3038/35-36 dated 26th April 1936, from the Municipal Commissioner, Bangalore City, stating that certain proposals for the revision of the establishment of the Bangalore City Municipal Offices were placed before the Municipal Council and that it was resolved that pending the final decision of the Council in the matter, the entertainment of (1) Amildar as Personal Assistant to the Municipal Commissioner in place of the Manager whose post will be abolished, (2) two examiners on Rs 40-2-50 and ~~w~~ (3) three Accountants on Rs 25-1-30-1-40 for the Revenue Branch of the Municipal Office be tentatively approved and soliciting sanction of the resolution of the Council as embodied in the proposition statement appended, the extra cost during the current year being met out of the closing balance of the Municipality

---

Order No L 9642-44/M1 12-35-100/Encl one statement
Dated, Bangalore, 19th June 1936

The proposals of the Municipal Council resulting in an extra cost of Rs 354/-. per mensem are sanctioned with the observation that for the appointment of a Personal Assistant in place of the Manager, an Amildar on the initial pay of his grade may be selected for the post and changed every three years to keep down cost

2 This order may be given effect to from or after 1st July 1936

Sd/- A Subba Rao,
For Chief Secretary to Government

'Copy'

For Municipal Commissioner

Mariappa, B A ,
rsonal Asst to the
nicipal Commissioner

Office of the Municipal Commissioner,

Doted Bangalore 22nd March 1946.

Ab-PR 40/45
Encl one

Dear Sir,

As desired by you over the phone, I am sending herewith a copy of G O No L 9642-44/M1 12-35-100 dated 19th June 1936

Yours sincerely,

Personal Assistant to the
Municipal Commissioner

G Ramachandra Rao, Esq , B A ,
Assistant Secretary to Government,
Bangalore

statement showing the other executive posts of the city Municipality from which qualified candidates could be promoted as ordered by the

Health Section

	Rs
Assistant Health Officer	75-5-150+24 C A
Food Analyst — (Mr A Kulasekharan Nadaliar BSc)	Rs 100-5-150
Food Inspector	Rs 50+5 C A
Sanitary Inspector	Rs 55-4-87
Store Keeper — Municipal Clerk	Rs 60-4-80

Collection Establishment

	Rs
2 Tax Inspectors	60+10 C.A
6 — do —	30-2-50+5 C A

Market Establishment

	Rs
Superintendent — (Mr S Veeravarasan) not qualified	100-5-150+5 C.A
Assistant Inspector —	Rs 30-2-50

Public Conveyance Dept

	Rs
Inspector — (Mr Krishnaswamy)	60-4-80
Tax Inspectors —	60+10

27/3

OCTROI & TOLL INSPECTORS IN BANGALORE CITY MUNICIPALITY

	Name	Desig-nation	Pay	Qualifi-cation	Service
1.	B Md Aminudeen	Octroi Inspector	44/30-2-50 + 5 C A	Nil	31 years
2	S D Honnaji Rao	-do-	34/30-2-50 + 5 C A	Nil	31 years
3	H Nanjundiah	-do-	30/30-2-50 + 5 C A	S S L C	2 years
4	D Yellappa	Toll Inspector	34/30-2-50 + 5 C A	L S	17 years

Personal Assistant to the
Municipal Commissioner

Mr A Mariappa, B A ,
Personal Asst to the
Municipal Commissioner
****

A6 P R 40/45

Office of the Municipal Commissioner,

Dated Bangalore 26th March 1946

Dear Sir,

As desired by you on the phone I am sending herewith the Service Register and Character Book of Mr M Swaminathan, M A , Council Clerk of this office

Yours sincerely,

Personal Assistant to the
Municipal Commissioner

To

G Ramachandra Rao, Esq , B A ,
Assistant Secretary to Government,
Bangalore

hsr/-

No A6 P R 40/45-46

CITY MUNICIPAL OFFICES,

Bangalore dated 4th April 1946

GEN & REV SECT, R 1946

GEN & REV SECT 718 12 APR 1946 LSG BRANCH

FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner,
Bangalore City

To

J B Nallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR,

With reference to your Memo No R 6930/L P of the 1st instant, forwarding a copy of the letter addressed to the Revenue Commissioner regarding the grant of leave to Mr A Mariappa, B A, Personal Assistant to the Commissioner (under orders of transfer to Sorab Taluk), I have the honour to state that Mr Mariappa was relieved of his duties hereon the afternoon of the 3rd instant by Mr M Choodappa, B A, Special Revenue Officer, as a temporary measure As Mr Choodappa has heavy work on the assessing side, it is impossible for him to do justice to the work of both the offices I therefore request that early orders of Government may kindly be obtained on the proposals recommended by this Municipal Council

I have the honour to be,
Sir,
Your most obedient servant,

Darashah

Municipal Commissioner

Forwarded with compliments

Honorary President

PWD 10-45-226

6529

Immediate

G R S App F G 3 (with (2))

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

2 copies

To

C 11139

15-4-46

The Municipal Comr

Bangalore City.

Through the President

With reference to your letter No A6-P-12-40/45-46, dated 16-3-46, forwarding, for orders, the resolution dated ~~4th March, 1946~~ passed by the City Municipal Council at their meeting held on 13th ult in regard to the ~~provisionally noted~~ arrangements proposed to be made as noted in the margin in favour of Mr. M. A Mariappa Annadanapha, Clerk in charge duty as personal Assistant to the Municipal Comr, I am directed to state that the Govt regret that the above proposals cannot be sanctioned.

I am therefore to request

Mr C Annadanapha BA LLB Chief Superintendent to be promoted as personal Asst to the Municipal Comr on Rs 150-25/2-250 + 10 Allowance

Mr M Swaminathan, Head Clerk on Rs 60-6 to be promoted as Chief Superintendent on 100-10-150-25/2-250 + 25 C A

WD 03697—CPB—30 000—2 2 46

~~You to select one of~~ that may the Amildars, from the panel of names furnished to you by the Revenue Comm, with his letter do A.L. 3307/45-46 d 26-2-46, and ~~the same submit for the~~ for the approval of Govt. The Service Register and Character Book of Tvl. M. Swaminathan, Clerk, are herewith returned.

Yours &c

for Revenue Secy to Govt.

maybe selected for this p

except those of

Messrs V V Ramaswamy Mudaliar

L C J Padmanabha

have been posted elsewhere

the selectee will have

to be relieved for

remaining for

GENERAL AND REVENUE SECRETARIAT

Bangalore, Dated, 11 S' 46

D.O No. L 12660

Dear Sir,

I am desired to invite reference to this office letter No L 11139/ml 10 45' 226/15 4 46 and the ~~subse-~~ ~~quent reminders ending with No.~~ ~~dated~~ ~~on the subject of~~ directing ~~the Municipal Council Bangalore~~ to ~~in regard to~~ the selection of the Builders from out of the Panel of Names sent to the MCL, for being appointed as Personal Asst to the MCL

2 I am to request you to be so good as to expedite your reply ~~there~~ in the matter to, ~~as the matter has been pending for a long time.~~

Yours sincerely,

for Revenue Secretary

89/9/5-

To

Sri Darashah Esq BA,
ml Court
Bangalore

MR SAFI DARASHAH, B A
MUNICIPAL COMMISSIONER

CITY MUNICIPAL OFFICES
BANGALORE

Dated 14th May 1946

Ag -PR 40/45

GEN & REV SECRETARIAT 8375 23 MAY 1946 L S G BRANCH

Dear Sir,

With reference to your D O letter No L 12460/M1 dated 11-5-1946, re the selection of an Amildar from the panel of names sent by the Revenue Commissioner for being appointed as Personal Assistant to the Under-signed, I write to state that the subject is pending consideration before the Managing Committee

Yours sincerely,

Darashah

J B Mallaradhya, Esq , M A ,
Secretary to Government,
Revenue Department, Bangalore

Bsk

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 1439 (2) **General and Revenue Secretariat,**

FROM M A-45-226 *Dated Bangalore, 15-4-* 1946

The Secretary to the Government of His Highness the Maharaja of Mysore

To

The Municipal Commissioner,
through the President, City Municipality,
Bangalore

SIR,

With reference to your letter No A 6 P h.40/45-46 dated the 16th March 1946, forwarding for orders of Government, the resolution passed by the City Municipal Council at their meeting held on the 7th [illegible] 1946 in regard to the arrangements proposed to be made as noted in the margin, vice Mr A. Hariyarpa, Huzildar (going on duty as Personal Assistant to the Municipal Commissioner) reverted to the Revenue Department, I am directed to state that the Government regret, that the above proposals cannot be sanctioned.

*1) Mr C Annadarreppa, B A, II B, Octroi Superintendent to be promoted as Personal Assistant to the Municipal Commissioner on Rs 150-25/2-250 plus Rs 50/- allowance

2) Mr V Swaminathan, B A, Clerk on Rs 60/- to be promoted as Octroi Superintendent on Rs 100-10-150-25/2-250 plus Rs 25/- A

I am therefore to request that one of the Huzildars, from

3307/4b-46 dated 26th Feb 1946, except those of

Padmanabha who have been posted elsewhere, may be

elected for the post and the same submitted for the

approval of Government.

The Service Register and Character Book of

Mr.M. Ramanathan, clerk, are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,

Revenue Department.

ndm

To

The Municipal Commr
Bangalore City.

D O
L141 29
818

Dear Sir,

With reference to your letter No A6 P R 40/45, dated 13-5-46, stating that the question relating to the selection of an Amildar from the panel of names sent by the Revenue Commr for being appointed as your personal Asst has been referred to the Managing Committee I am directed to enquire why this question has been placed before the Managing Committee inasmuch as a procedure is not contemplated by section 10-2-(a) of the Bye Laws relating to Appointment and

Constitution of Committees, and as here.
No financial implication also
The decision of the Hon'ble in regard to the
selection of the an Assistant
out of the panel of names already suggested
to Your ~~Excellency~~ may be intimated
without further delay

Yours sincerely
[illegible]

for Rev. Lay 18/6

8127 CB

Sir,

I am desired to invite reference to the correspondence ending with this office D.O letter No L 14129 dated 18-6-46 calling for the decision of the Municipal Council in regard to the selection of an Amildar out of the panel of names suggested to You, for the post of the Personal Assistant to the Municipal Town and to request that the

Report referred to therein may
be submitted to Govt. immediately as
the Chestnut has been standing since April, 19

Yours sincerely

Sofia Devashah. BSc
BA
Principal - Trainee
Bangalore City

MR S. IFI DARASHAH, B A
MUNICIPAL COMMISSIONER

CITY MUNICIPAL OFFICES
BANGALORE

A5 C 140/46-47

SEN & P SECRETARIAT
802
29 JUL 1946
ANCH

Dated 25th July 1946

Dear Sir,

With reference to your D O letter No L 652 of the 12th instant regarding the selection of an Amildar for the post of the Personal Assistant to the Commissioner, I write to state that this question had been placed before the Council on 18-7-1946 and as it could not be reached on that day, it will be taken up for consideration at the Council Meeting fixed for 31-7-1946

Yours sincerely,

S Darashah

J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department,
Bangalore

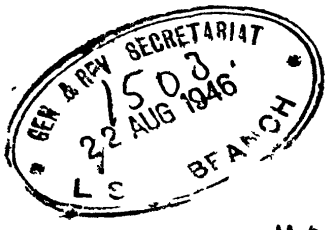
No A6 P R 40/45-46
Encl council resolu (Seven pages)

CITY MUNICIPAL OFFICES,

Bangalore dated 21st Aug 1946

FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner
Bangalore City



To

J B Mallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Re The filling up of the posts of the Personal Assistant to the Commissioner and the Octroi Superintendent

---

SIR,

With reference to your letter No L 11139/M1 10-45-226 dated the 15th April 1946 on the above subject, I have the honour to state that this subject was placed before the Council at their meeting held on 14-8-1946 During the course of discussion it was pointed out by the members that these two posts were under the control of the Municipal Council and it was the Council who was the authority to fill up the same under the provisions of the Act It was urged that the Government had by specific statutory provision taken away the powers of the Council so far as regards the appointment of the Municipal Commissioner, the Health Officer and the Municipal Engineer was concerned, and that barring these appointments, all the other posts in the Municipality were under the control of the Municipal Council It was also pointed out that the appointment of Officers i e, those whose appointments are prescribed by Statute, and the appointment of servants, i e , those whose posts are not so prescribed by Statute, had been differentiated in the Statute itself, and that while the Government had powers over the former posts, the latter were entirely under the control of the Municipal Council

Section 22 of the Municipal Act definitely lays down that 'except as in this Act otherwise expressly provided, the Municipal Government of a municipality vests in the Municipal Council ' In the light of the above, it was urged that it was not necessary to obtain approval of Government to the decisions of the Council in these matters If at all, a copy of the same may have been sent to Government merely for information, and not for confirmation After discussing all aspects of the question, the Municipal Council finally resolved that 'the Commissioner be directed to give effect to the Council resolution of 7-3-1946 immediately by asking Messrs C Annadanappa and M Swaminathan to take charge of the offices of the Personal Assistant to the Commissioner and the Octroi Superintendent respectively' A copy of the proceedings of the Council is herein enclosed for favour of information of Government

2 It is seen from the Municipal Act that so far as appointments are concerned, the Government have reserved the power of appointing the Municipal Commissioner, the Health Officer and the Municipal Engineer under Sec.234(A) and can only interfere under Sec 223(1) when the remuneration that will be paid to any official is over and above the sanctioned scale Section 49(e) of the Act no doubt stipulates the framing of rules and bye-laws for regulating appointments, but as pointed out by one of the members, even if rules were framed in this behalf, they can only be in respect of the mode of receiving and disposing of applications etc , and not in respect of appointments of particular persons to particular posts Except Section 234 of the Act, there appears to be no other Section which gives the Government power to appoint in cases such as those under advertance, while Section 22 of the Act (which is very comprehensive) seems to vest in the Municipal Council powers of control in respect of all these cases

3 As regards the panel of names sent by the Revenue Department, the Council observed that as the Municipality had in the present instance very competent men to fill up these posts, there was no need to indent for officers from the Revenue Department, and that if the Municipal Council found it necessary to have outside talent, they would gladly seek the help of the Government

4. As for the qualifications and capabilities of Messrs C Annadanappa and M Swaminathan who have been selected by the Council for the posts of the Personal Assistant and Octroi Superintendent, respectively, I may add that these two officials were recommended to the above posts by me Both are highly qualified and have vast experience of municipal affairs and matters They are hardworking, honest and loyal in the discharge of their duties and I am confident that they will prove efficient officers if posted to the above places The Municipal Council have resolved that they should be posted to their respective places immediately, and I feel that under section 22 of the Municipal Act as explained above, their resolution in this connection is not ultra vires I therefore request that you will obtain orders of Govern[illegible] in respect of the general issue involved in the matte such appointments and communicate the same to me ve

I have the honour to be,
Sir,
Your most obedient serv[illegible]

Municipal Commissione

Forwarded with compliments

P Siva Shankar
Honorary President

hsr/-

Minites of the proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on Wednesday the 14th August 1946 at 4 P M in the Council Hall of the City Municipal Offices, Bangalor

---

Present

P Sivashankar, Esq , B A , LL B , PRESIDENT.

Messrs		Messrs	
1	M V Veerappa,	10	D Venkataramanappa,
2	N Y Pissay,	11	G V Ramachar, B A , LL B ,
3	R Thimmaiah,	12	Narasimhasastry Devudu, M A ,
4	K R Papiahraju,	13	M K Narayana Iyengar, B A , B L
5	Ramalal Thiwari,	14	H C Suryanarayana Rao,
6	G Nanjappa,	15	K M Naganna,
7	C Channaiah,	16	Misrilal Parasmall,
8	P V Ramachandragupta,	17	S Ghouse Mohiyuddin,
9	K S Bhavanisa,	18	A J Khaleel, B A , B L

19. Mirza M Azizulla Beig

-

Absent

1	Singam Rangaswamappa,	6	C Krishna Rao,
2	S Krishnappa, B A ,	7	M Krishnaswami Pillai
3	B N Gupta,	8	K Ambrose Ananda, B A , L T
4	C G Sastry,	9	A K Jayamuthuraju,
5	L S Raju, M A ,(Hons) B L ,	10	vacant

Subject No 24 Letter No L 11139/M1 10-45-226 dated 15-4-46 from the Revenue Secretary that Government cannot sanction the proposals of the Municipal Council to appoint Mr C Annadanappa as Personal Assistar and Mr M Swaminathan as Octroi Superintendent and that one of the Amildars from the panel of names sent by the Revenue Commissioner may be chosen as Personal Assistant

---

(Contd)

Minutes of the proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on WEDNESDAY the 14th August 1946 at 4 P M in the Council Hall of the City Municipal Offices, Bangalore

-----

x x x

Subject No: 24

Mr. G. Nanjappa observed that this matter may be referred to the Commissioner or the Managing Committee.

Mr K.M Naganna opposing the above said that there was no need to refer it to the Managing Committee The Council had passed a definite resolution after deep deliberation and thought and it was left to them to find out if the Government had powers under the Act to interfere in such matters It was definite from the Municipal Act that the Government had taken away the power of appointing the Commissioner, Health Officer and the Municipal Engineer which power originally vested in the Council ~~andxitxwasxleftxtoxthexComm~~ Barring these, the other servants of the Municipal Council were all under the control of the Council and it was left to the Council to appoint suitable persons to the various posts under the Council Such being the case the Government ought not to turn down their resolutions so lightly nor should they interfere with the appointments made by the Council The very fact that they send a panel of names for selection instead of straight away appointing as in the case of the Municipal Commissioner, the Health Officer and the Municipal Engineer clearly shows their limitations and that all other appointments are under the Municipal control and choice Further, the Government recognised the right of the Council over these appointments while revising the pay of the Octroi Superintendent to be at par with the pay of the Personal Assistant and the Revenue Officer to facilitate interchanges amongst these When such was the state of affairs, Government asking the Council to select from among the names sent by them was nothing short of

gross indifference towards the rights of the Council The Council has taken into consideration all aspects while resolving to appoint Messrs C Annadanappa and M Swaminathan as Personal Assistant and Octroi Superintendent and knowing the unanimous views of the Council, the Government to insist upon their nominees being selected showed that they would not recognise the existence of the Council This attitude of the Government towards a Local Self-Government Institution was not tolerable The appointments are under their control and so they might straight away appoint these two to their respective posts and send a reference to Government for information only If the Government did not see eye to eye with them and insisted upon their nominees being selected, not caring for the views of the Council, then it was not worthwhile to continue as members in such a corporate body which had no independent existence and powers But he was sure such a contigency would not arise since the Minister in charge of the portifolio of this Municipality had himself fought very hard on the floor of this Council for the rights and privileges of the Council Dr Royan as Member and President of this Council had very often stood firm for the rights of the Council and on very many occasions had taken strong objection to such uncalled for intereference from Government He was sure the Minister would agree with the decision of the Council

Continuing his speech Mr K M Naganna said that in case the Government persisted in the attitude it had taken up now, there was no other go for him except to resign his membership on the Council as a protest against the action of the Government since it affected the prestige of every member He then moved that "this Council while re-iterating its previous resolution of 7-3-1946 directs the Commissioner to give effect to the said resolution of 7-3-1946 immediately by asking

Messrs C Annadanappa and M Swaminathan to take charge of the offices of the Personal Assistant and Octroi Superintendent respectively

Mr H C Suryanarayana Rao seconding the above said that this Council had full powers with regard to these appointments They could appoint these officers without sanction from Government If found necessary they might send a letter regarding the appointments to Government for mere information and not for confirmation The Government has been flouting the authority of the Council warranted under an Act sanctioned by His Highness and any one interfering with the powers to the Council under such an Act was showing disrespect to His Highness If such a contingency arose, they might even approach His Highness in this matter He finally said that the Commissioner might be directed to place these officials in the respective charges for which they had been selected by the Council

Mr Devudu Narasimhasastry said that he was also in full sympathy with the previous resolution of the Council but wanted to know what action would be taken if the Commissioner did not give effect to the resolution as per their present resolution

Mr K M Naganna said that in such a case it was not worthwhile continuing as members of the Council and they might all resign

Mr G V Ramachar speaking next observed that the resolution of the Council may be sent to Government for mere information and not for approval The Council was not passing this resolution in any spirit of hostility but on the other hand, to create mutual understanding and goodwill The Government was as much bound by the provisions of the Municipal Act as the Council It should be brought to the notice of the Government that under Section 22 of the Municipal Act, the Municipal Government vested in the Municipal Council and

and only those powers reserved by Government in any provisions of the Act vests in ~~kerm~~ them Another thing to be brought to their notice is the distinction drawn between the appointment of Officers and servants of a corporation The Officers are those whose offices are prescribed by statute itself and all the others are servants only

Under Section 234 (A & B) of the Act, the Government have ~~powers~~ reserved the powers to appoint officers viz , Commissioner, Health Officer and Municipal Engineer Section 49(e) of the Act empowers the Council to frame rules regarding ~~to~~ the appointment of servants and officers etc and since no such rules have been framed in this Municipality, Sec 22 of the Act governs the appointment of servants here Even if rules had been framed under Section 49(e) it could only be in respect of qualifications, receiving of applications and mode of disposal of the same but no rule could be framed regarding appointing a particular individual to a particular post There is no section in the Act which lays down that the sanction of Government ought to be obtained in respect of the appointments now in question and in the absence of any such section, Section 22 of the Act comes in wherein it is clearly stated that where there is no section authorising the Government to exercise such powers, those powers shall be exercised by the Council

This is further borne out by considering the provisions of the Section 223 of the Act under the heading 'Control' The Government has control only in two cases, one to reduce the establishment if it is found to be extravagant and another to reduce the remuneration granted by the Council to any one if the same is found to be excessive In the present case this does not arise at all The remuneration to the posts has been fixed by the Government itself It will be seen even under this Section the question of appointing is not interfered with Hence in this case Government cannot interefere with the powers of the

of the Council

As re the point raised by Mr Devudu, what action would be taken if the Commissioner refused to execute the resolution of the Council Mr G V Ramachar said that he was sure the Commissioner was not interested in disregarding the resolution of the Council In fact the very section by which the Commissioner is appointed enjoins upon him to carry out the provisions of the Act Even the Government will not be interested in unnecessarily preventing the provisions of the Act being given effect to The only thing was that these provisions should be brought to their notice After all, the Government the Council and the Commissioner are all bound by this Act In the interests of the Municipality, the Government was sure to accede the right if brought to their notice, properly

As regards the panel of names sent by the Government, the Council surely thanks them for the same, but is unable to take advantage of their offer at present If any necessity arose later and if the Municipality required the services of Amildars, it would certainly seek the co-operation of Government in the matter But it should be mentioned here that the experience of having officers of the Revenue Department in this Municipality has been a sad one The public have been loudly complaining against them but this should not influence us in any manner The officials now selected are competent and they are Municipal servants only and there is no scope for them to better themselves elsewhere Their work ~~was~~ has been very satisfactory and they possess the requisite qualifications to fill these posts So they might be placed in charge of their duties immediately by the Commissioner as per the resolution of the Council The Government would certainly not interfere with the Commissioner if he were to carry out the resolution of the Council as the same is in

in accordance with the provisions of the Act

Mr. Mirza Azizulla Beig further supported the resolution moved by Mr K M Naganna and Mr D Venkataramanappa speaking next observed that the Council was the best judge to know the capacities of the persons, it was going to appoint, since it was the Council that was taking work from them Such being the case, how could Government say who was fit and who was not fit Our choice has been made after taking into consideration the service, qualifications of the officials now selected and since the Government have no powers in this behalf, their intereference is uncalled for and by doing so, they will be questioning the very powers of the Council and thereby affecting our prestige as members He observed that it was better if the President placed all these points before the Government and see that the Government did not unecessarily interefere with the powers of the Council

Mr M K Narayana Iyengar further supporting observed that the Council was the final authority in all such matters Even in the case of making the present Municipal Engineer, an Executive Engineer, the Council had resolved to make him an Executive Engineer and the Government had no powers to interfere Further, what they had resolved was that these two should be started on the minimum pay of the respective posts and hence it was financially also benefitial to the Municipality It was not possible to select from the panel sent by the Revenue Commissioner to the detriment of the interests of the Municipal employees who were found fit and capable to occupy these posts By giving such encouragement they could expect better and more loyal work from their own men than from the officers of the Revenue Department who come as birds of passage for a fixed period and leave the Municipality after their period was over For these reasons, it was very necessary that they

that they should stick to their resolution and direct the Commissioner to put these officials in the posts to which they have been selected

Mr Ramalal Thiwari also supported the proposition and said that under the Act, the Government had powers to appoint Municipal Commissioner, Health Officer and the Municipal Engineer and the Commissioner had powers of appointment upto Rs 60/- and the posts carrying pay between these two limits vested in the Municipal Council

Mr K M Naganna then replied to all the points raised by the Members and said that what he had moved was based on legitimate rights of the Council with which even the Government had no powers to interfere, and said that his proposition might be accepted by the House

Resolution - This Council re-iterates its resolution of 7-3-1946 and directs the Commissioner to give effect to the same immediately by asking Messrs Annadanappa and M Swaminathan to take charge of the duties of the Personal Assistant and Octroi Superintendent respectively.

Then the meeting terminated

Sd/- P Sivashankar,
Honorary President

(C o p y)

Municipal Commissioner

hsr/-

To

The Minister for Education and Public Health ,

In Mysore BANGALORE

Respected Sir,

I the undersigned finding that there is no other course opened to me except to appeal to Govt beg to submit my application for f vour forwarding and obtaining sanction from Govt. I was appointed in an Executive appointment as food Analyst for the Municipality by the Municipality on a salary of Rs. 75/- fixed and was given a grade of Rs. 75-5-100 from 19-12-38 even though the Council was kind enough to recommend that I may be given the grade from 7-4-1936. Now I am given Rs. 100-5-150 from 13-9-45.

(2) Later on the post of the Market Inspector was vacant and it was advertised that a graduate of any recognised University need apply. The grade was Rs 60-4-80. I was getting Rs. 75/- fixed then and I had applied that I may be given the grade of Rs 75-5-100 for which sanction had to be obtained from Govt. I wanted to apply for the Market Inspector's post but I was discouraged by the then President and the Municipal Commissioner that this x post carried a grade of Rs 60-4-80 and that I will be in a higher grade and as my appointment was also an Executive one my claims will certainly be considered when any higher grade in the Municipality fell vacant So I ~~xxxx~~ ~~xx~~ did not apply for the Market Inspector's post The present Revenue Officer and incharge personal assistant to the Municipal Commissioner who was a clerk in a Taluk office in Has an District on Rs 40/- then was appointed as Market Inspector on Rs 60/- in grade Rs 60-4-80

(3) In the Middle of August 1939 the post of Octroi and Toll Superintendent fell vacant due to the retirement of Mr. Mr Sampangiramiah I had put in my application praying that I may be appointed for thet post for I was senior in pay and in service and the appointment th t I held was an Executive one.

But the then Market Inspector was preferred any his place was given to the present Market Superintendent Mr S Srinivasiah who was a failed Middle School Candidate He was a fieldman in the Geological Department before he joined service in this Municipality and he was getting Rs 50/- then in the P C Department My claims were not considered and I was made a junior to him

(4) Once again I submitted my application for the post of Octroi and Toll Superintendent when it fell vacant in July 1942 The Municipal Commissioner considered each application dispassionate on its merits and placed my claims formost for the said above post above all the other three applicants This time again a junior official who was in a temporary vacancy as a Prosecuting Inspector on Rs 50/- and for whom out of pity the then President with the help of the Commissioner converted the temporary vacancy which was a non-pensionable one into a permanent one and got him a grade of Rs 60-4-80 was preferred to others by the Municipal Council on the plea that he is a double graduate and is a senior offic That he was a senior official then was false

(5) One can understand this reason as valid when all of us applied for the first time for the post as recruits but the case was altogether a different one I was senior to him in service, in pay and I am a graduate in Science of the Mysore University and therefore you see Sir, that I possess the necessary and sufficient qualification to be appointed for the said post That being the case my claims were not at all considered and I was made a junior to my juniors The Municipal Council on 4-2-1942 accepted the Managing Committee's recommendation that I may be given Rs 100-10-150 plus Rs 10/- allowance This resolution of the Municipal Council was not sanctioned by Government and they observed that I was getting Rs 95/- then and I had not reached the maximum in that grade and as no case was made for the revision of the grade so the proposal of the Council was not sanctioned

(6) Later on some changes had to be made in the Municipality for certain appointments I submitted my application again for the post of Octroi and Toll Superintendent The Municipal Commissioner

considered each application on its merits and placed my claims foremost for the said post taking the into consideration my pay, service, qualification and executive nature of my work The Municipal Council resolved that the present Market Superintendent Mr Srinivasiah who was junior to me in pay and who has poor qualification may be recommended for the said post ignoring the Municipal Commissione considered opinion and note thereon The Municipal Council thus ignored twice the recommendation may by the Municipal Commissioner who is the head of the Executive and Ministerial staff of the Municipalty for filling the above post The Government however turned down this proposal So the Municipal Council in their meeting held on 10-10-43 resolved that the present Revenue Officer may be appointed as one of the assessing Officer leaving the post of Revenue Officer to be filled by Government Now as the assessing work in this Municipalty is completed the previous Revenue Officer is again posted as Revenue Officer

(7) Again my application only for the post of Market Superintendent which carried a pay of Rs 100-10-150 was placed before the Council by the Municipal Commissioner on 10-10-44 The Council resolved that the Market Inspector Mr Srinivasiah who has poor educational qualification and who was getting Rs 80/- is to be appointed as Market Superintendent in grade Rs 100-10-150 and I may be given Rs Rs 100-5-150 as Food Analyst as in Mysore as if my appintment is a Provincial one Also it was observed that I am given Rs 100-5-150 and as such I will have no grievance for the official who is working as Food Analyst in Mysore City Municipalty possesses higher qualification viz , M Sc., He is an M Sc of Dacca University taking Physical Chemistry as his optionals and his knowledge of Organic chemistry is the same as mine if not less This comparision should not be made here for posts in the higher grade fell vacant in this Municipalty where I am working and where my seniority is affected This Municipalty is different from Mysore City Municipalty and no similarty exists between these two Municipalties

The Government splitted the resolution made by the Municipal Council into two and orders werepassedk that I may be given Rs 100-5-150 from 13-9-45 The proposal turned down by the Government was reiterated again and that Mr Srinivasiah is to be given the post of the Market Superintendent, for he had only a few years of service to reach his age of superannuation This time the Govt passed orders that he is appointed as Market Superintendent on Rs 100-5-150 So I was not superseded by my junior

(4) Again now the Municipal Council approved the Managing Committee's recommendation that the Municipal Commissioner's personal assistant who was under orders of transfer may be relieved at once and his post may be filled up temporarily by the present Revenue Officer and who is placed as incharge personal assistant to the Municipal Commissioner and later the present Octroi and Toll Superintendent may be appointed as personal assistant and the Council's clerk Mr Swaminathan to be appointed as Octroi and Toll Superintendent in grade Rs 100-10-150-25/2-250 plus Rs 75/- allowance The Council clerk who is getting Rs 60/- only and who is far junior to me in pay has been recommended though I am drawing Rs 100/- for the last 2 years and now I am placed in the grade Rs 100-5-150 from 13-9-45 The present Council clerk is not appointed by the Municipality for the Municipality So the rule that the Municipal Council applied to Mr Choodappa special Revenue Officer viz , that he has come from Govt Service and only the Officials of this Municipality should be appointed for higher posts in this Municipality must be applied in the case of the Council clerk also He is not appointed by the Municipality for the Municipality Whereas I am appointed by the Municipality on 7-4-1936 for the Municipality The Council clerk when he came to this Municipality as clerk on Rs 40/- had no place in this Municipality Somehow he was provided a clerk's post on Rs 40/- in the grade 25-1-40 Later on he was given grade Rs 40-2-50 In this grade he was given the maximum Later on the allowance x attached to the Council's clerk post viz , Rs 10/- was reduced to Rs 5/- and the grade pay was raised from Rs 40-2-50-2-60 £50-2-60

In this grade also he was given the maximum though he was not confirmed in the previous grade Thus it is seen that he is now getting Rs. 60/- after getting such rapid grades. This is all given to him for he is the Council clerk.

(9) In the Mysore Gazette dated 28th February 1946 it is stated that the general rules in filling up higher vacancies on promoti will be as per existing order I am senior to the Council's clerk in pay and the Municipal Council by ignoring this has done me injustice For no fault of mine I am victimised each time by the council. My only disqualifications Sir, is that I belong to a minority community. This is painful to position that one is made a junior to all his junio is very painful to whomsoever it may concern

(10) As per City Municipality's act regarding appointments the Municipal Council has got powers only to recommend for posts which carry a pay of more than Rs 60/- to Govt. and the Govt. is the final authority either to accord sanction or not. If sanction is accord to Govt to such proposals the officials will be more loyal to the Municipal Councillor's than the Municipal Commissioner who is the representative of Government and I will leave to it to you Sir, to infer what will be the state of affairs in this Municipality rather mentioning them So there is no other course open to me except to appeal to Government and I pray that my reasonable claims my be considered favourably and justice is done in my hard case at least this time by appointing me as Octroi and Toll Superintendent and fixing me in the higher grade of pay And please see Sir, that I am not victimized each time by the Municipal Council by redressing my grievances

I beg to remain,
Sir,
Your most obedient servant,
A Kulasekaran Mudaliar

Dated 5th September 1946. Bangalore City, Municipality.

To

The Dewan and ex-officio President in Council

of Mysore,

BANGALORE

Respected Sir,

I the undersigned finding that there is no other course opened to me except to appeal to Govt beg to submit my application for favourable forwarding and obtaining sanction from Govt I was appointed in an Executive appointment as food Analyst for the Municipalty by the Municipalty on a salary of Rs 75/- fixed and was given a grade of Rs 75-5-100 from 19-12-38 even though the Council was kind enough to recommend that I may be given the grade from 7-4-1936 Now I am given the grade Rs 100-5-150 from 13-9-45

(2) Later on the post of the Market Inspector was vacant and it was advertised that a graduate of any recognised University need apply The grade was Rs 60-4-80 I was getting Rs 75/- fixed then and I had applied that I may be given the grade of Rs 75-5-100 for which sanction had to be obtained from Govt I wanted to apply for the Market Inspector's post but I was discouraged by the then President and the Municipal Commissioner that this ~~x~~ post carried a grade of Rs . 60-4-80 and that I will be in a higher grade and as my appointment was also an Executive one my claims will certainly be considered when any higher grade in the Municipalty fell vacant So I ~~need not~~ did not apply for the Market Inspector's post The present Revenue Officer and incharge personal assistant to the Municipal Commissioner who was a clerk in a Taluk office in Hassan District on Rs 40/- then was appointed as Market Inspector on Rs 60/- in grade Rs 60-4-80

(3) In the middle of August 1939 the post of Octroi and Toll Superintendent fell vacant due to the retirement of Mr Mr Sampangiramiah I had put in my application praying that I may be appointed for that post for I was senior in pay and in service and the appointment that I held was an Executive one

But the then Market Inspector was preferred any his place was given to the present Market Superintendent Mr. S. Srinivasiah who is a failed Middle School Candidate. He was a fieldman in the Geological Department before he joined service in this Municipality and he was getting Rs. 50/- then in the P.C. Department. My claims were not considered and was made a junior to him.

(4) Once again I submitted my application for the post of Octroi and Toll Superintendent when it fell vacant in July 1942. The Municipal Commissioner considered each application dispassionately on its merits and placed my claims formost for the said above post above all the other three applicants. This time again a junior official who was in a temporary vacancy as a Prosecuting Inspector on Rs 50/- and for whom out of pity the then President with the help of the Commissioner converted the temporary vacancy which was a non-pensionable one into a permanent one and got him a grade of Rs. 60-4-80 was preferred to others by the Municipal Council on the plea that he is a double graduate and is a senior offici That he was a senior official then was false.

(5) One can understand this reason as valid when all of us applied for the first time for the post as recruits but the case was altogether a different one. I was senior to him in service, in pay and I am a graduate in Science of the Mysore University and therefore you see Sir, that I possess the necessary and sufficient qualification to be appointed for the said post That being the case my claims were not at all considered and I was made a junior to my juniors The Municipal Council on 4-2-1942 accepted the Managing Committee's recommendation that I may be given Rs. 100-10-150 plus Rs 10/- allowance This resolution of the Municipal Council was not sanctioned by Government and they observed that I was getting Rs 95/- then and I had not reached the maximum in that grade and as no case was made for the revision of the grade so the proposal of the Council was not sanctioned.

(6) Later on some changes had to be made in the Municipality for certain appointments. I submitted my application again for the post of Octroi and Toll Superintendent The Municipal Commissioner

considered each application on its merits and placed my claims foremost for the said post taking the into consideration my pay, service, qualification and executive nature of my work. The Municipal Council resolved that the present Market Superintendent Mr. Srinivasiah who was junior to me in pay and who has poor qualification may be recommended for the said post ignoring the Municipal Commissioner's considered opinion and note thereon. The Municipal Council thus ignored twice the recommendation may by the Municipal Commissioner who is the head of the Executive and Ministerial staff of the Municipality for filling the above post. The Government however turned down this proposal. So the Municipal Council in their meeting held on 10-10-43 resolved that the present Revenue Officer may be appointed as one of the assessing Officer leaving the post of Revenue Officer to be filled by Government. Now as the assessing work in this Municipality is completed the previous Revenue Officer is again posted as Revenue Officer.

(7) Again my applic tion only for the post of Market Superintendent which carried a pay of Rs 100-10-150 was placed before the Council by the Municipal Commissioner on 10-10-44. The Council resolved that the Market Inspector Mr Srinivasiah who has poor educational qualification and who was getting Rs 80/- is to be appointed as Market Superintendent in grade Rs 100-10-150 and I may be given Rs. Rs 100-5-150 as Food Analyst as in Mysore as if my appointment is a Provincial one Also it was observed that I am given Rs 100-5-150 and as such I will have no grievance for the official who is working as Food Analyst in Mysore City Municipality posses es higher qualification viz , M.Sc , He is an M Sc of Dacca University taking Physical Chemistry as his optionals and his knowledge of Organic chemistry is the same as mine if not less. This comparision should not be made herein for posts in the higher grade fell vacant in this Municipality where I am working and where my seniority is affected This Municipality is different from Mysore City Municipality and no similarity exists between these two Municipalties.

The Government splitted the resolution made by the Municipal Council into two nd orders werepassedk that I may be given Rs. 100-5-150 from 13-9-45. The proposal turned down by the Government was reiterated again and that Mr. Srinivasiah is to be given the post of the Market Superintendent, for he had only a few years of service to reach his age of superannuation This time the Govt. passed orders that he is appointed as Market Superintendent on Rs. 100-5-150. So I was not supergeded by my junior.

(8) Again now the Municipal Council approved the Managing Committee's recommendation th t the Municipal Commissioner's person assistant who was under orders of transfer may be relieved at once and his post may be filled up temporarily by the present Revenue Officer and who is placed as incharge personal assistant to the Municipal Commissioner and later the present Octroi and Toll Superintendent may be appointed as personal assistant and the Council's clerk Mr Swaminathan to be appointed as Octroi and Toll Superintendent in grade Rs 100-10-150-25/2-250 plus R. 75/- allowance. The Council clerk who is getting R. 60/- only and who is far junior to me in pay has been recommended though I am drawing Rs. 100/- for the last 2 years and now I am placed in the gr de Rs 100-5-150 from 13-9-45. The present Council clerk is not appointed by the Municipalty for the Municipalty So the rule that the Municipal Council applied to Mr. Choodappa special Revenue Officer viz , that he has come from Govt service and only the Officlls of this Municipalty should be appointed for higher posts in this Municipalty must be applied in the case of the Council clerk also. He is not appointed by the Municipalty for the Municipalty Whereas I am appointed by the Municipalty on 7-4-1936 for the Municipalty. The Council clerk when he c me to this Municipalty as clerk on Rs. 40/- had no place in this Municipalty Somehow he was provided a clerk's post on R. 40/- in the grade 25-1-40 Later on he was given gr de Rs 40-2-50. In this grade he was given the maximum. Later on the allowance x attached to the Council's clerk post viz , Rs 10/- was reduced to Rs 5/- and the gr de pay was raised from Rs 40-2-50-2-60.

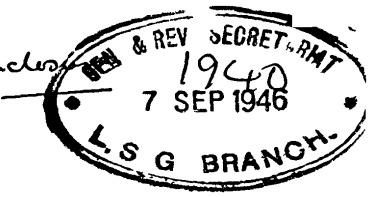
In this grade also he was given the maximum though he was not confirmed in the previous grade Thus it is seen that he is now getting Rs 60/- after getting such rapid grades This is all given to him for he is the Council clerk

(9) In the Mysore Gazette dated 28th February 1946 it is stated that the general rules in filling up higher vacancies on promotio: will be as per existing order I am senior to the Council's clerk in pay and the Municipal Council by ignoring this has done me injustice For no fault of mine I am victimized each time by the council My only disqualifications Sir, is that I belong to a minority community This ~~xx xxxxxx xx~~ position that one is made a junior to all his junior: is very painful to whomsoever it may concern

(10) As per City Municipality's act regarding appointments the Municipal Council has got powers only to recommend for posts which carry a pay of more than Rs 60/- to Govt and the Govt is the final authority either to accord sanction or not If sanction is accorded to Govt to such proposals the officials will be more loyal to the Municipal Councillor's than the Municipal Commissioner who is the representative of Government and I will leave ~~xx~~ it to you Sir, to infer what will be the state of affairs in this Municipality rather mentioning them So there is no other course open to me except to appeal to Government and I pray that my reasonable claims my be considered favourably and justice is done in my hard case at least this time by appointing me as Octroi and Toll Superintendent and fixing me in the higher grade of pay And please see Sir, that I am not victimized each time by the Municipal Council by redressing my grievances

I beg to remain,
Sir,
Your most obedient servent,
A Kulasekaran Mudaliar

Dated 5th September 1946 Bangalore City Municipalty



Two encls

To

The Revenue Secretary ,

Government of Mysore,

BANGALORE

Sir,

I the undersigned finding that therewas no other course opened to me except to appeal to Govt submitted my applications for favour of fowarding to (1) The Dewan, (2) The Minister for education in connection with the filling up of the Octroi and Toll Superintendent's post. The Municipal Commissioner signed the fair copy addressed to Govt on 20th March 1946, and the President signed the same on 22nd August 1946 for he might be of the opinion that my representation addressed to Govt need not be placed before the municipal Council

It looks as though that the Council clerk has the privilege of doing things as he pleases and is allowed to go in his own way otherwise he would not have taken my representations to Govt which was ready for despatch and keep them with himself for his intention is to delay and meanwhile expect orders from Govt to the reiterated proposal sent to Govt already I apprised these facts to the Municipal Commissioner and also to the Honarary President. The Council clerk says that the Honorary President wants that my representations addressed to Govt should be placed before the Municipal Council I do not think so and even granting that my represantations addressed to Govt must be placed before the Council I may be permitted to point out that from March 1946 till this day my representations addressed to Govt have not been placed before the Municipal Council My file was circulated among the Municipal Councillors long back This delay is wantonly done just to gain tome by the interested person or persons So I am submitting my representations which are adaressed to (1) The Dewan and ex-officio President in Council (2) The Minister for Education and Public Health in person to do the needful in my hard case I am on privilege leave now and so I am seeking redress of my grievances by directly submitting my representations to Govt for their passing orders

I beg to remain,

Sir,

Your most obedient Servant,

A Kulasekaran Mudaliar

Date 5th September 1946. Bangalore City, Municipality

L 4037/ES & 16.9.46.

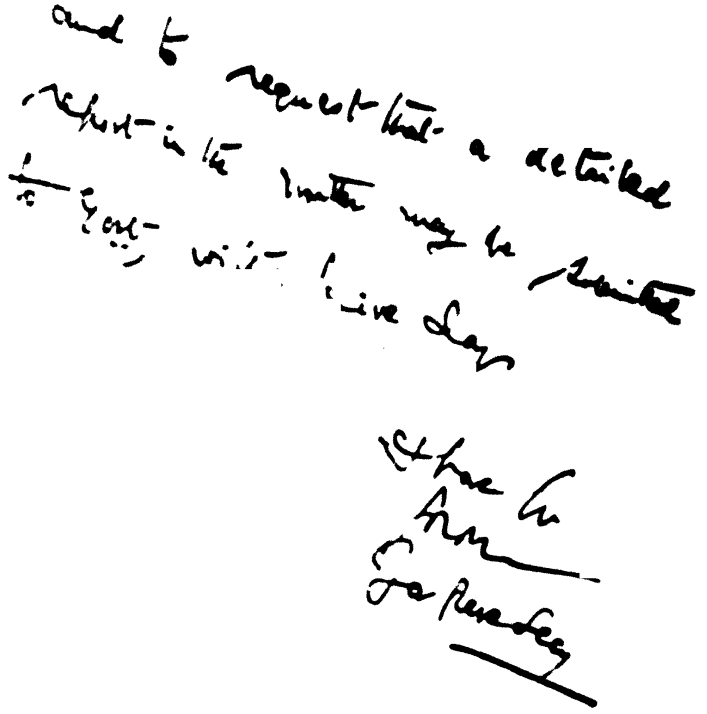
Immediate

To

The Municipal Town,
Bangalore City.

Sir,

I am directed to forward herewith (in original to be kindly returned with a reply) a petition received from Mr. A. Kulasekharan Mudaliar, Food Analyst (on leave) Bangalore City Municipality, addressed to the Dewan and the Minister for Education and Public Health, setting forth his grievances,



LUG 22 & 27-9-46.
Immediate

Dear Sir,

In inviting reference to this office letter of even No. 37 dated 16-9-46 on the representation of Mr. A Kulasekhara Mudaliar, Food Analyst, Bangalore City Municipality, setting forth his grievances, I am desired to request that the report called for therein may be submitted to Govt without further delay.

Sofi Dawoodsah Esqr. IAS
Municipal Commissioner
Bangalore

I am ~~requested~~ to request that, by return of post, as the Question

K 106. Immediate
Comp Dr 10th Oct 46.

Dear Sir,

In inviting reference to this Office letter No K 40 37 dated 16-9-46, and subsequent reminder No K 4422 dated 27-9-46, regarding the representation of Mr A Kuladeichara Mudaliar, Food Analyst, Bangalore City Municipality, setting forth his grievances, I am desired to request that the report called for therein may be submitted to Govt by return of post, as the Question

Has it to be disposed of without further
delay Something must be done
even
There has not been an answer
sent
to the matter & what further
depends time is in setting
the report settled.

Yours Sincerely
[illegible]
2/10/45

DA
Municipal Town Hall

Bangalore City Municipality.

REV. SEC. BRANCH 2849 22 OCT 1946

No AD-PR 40/45-46
Encl two

MUNICIPAL OFFICE,
Bangalore, 12th Oct 1946

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sir,

With reference to your letter No L 4037/E dated 16-9-1946 calling for a report on the petitions of Mr A Kulasekhara Mudaliar, Food Analyst of this Municipality addressed to the Dewan and the Minister for Education and Public Health, setting forth his grievances on the recommendation made by the Municipal Council to appoint Mr M Swaminathan as the Octroi Superintendent, I have the honour to state as follows -

(1) The vacancy referred to in para (2) of the petition relates to that of the Market Inspector on Rs 60-4-80 that occurred in May 1935 This vacancy was classified according to C R B rules and advertised in the gazette Among the applications received from the Secretary, Central Recruitment Board, Mr N Siddalingappa, M A , LL B , was selected and his appointment was reported to the Secretary, Central Recruitment Board in November 1936

(2) The appointment referred to in para (3) of the appeal petition relates to that of the Octroi Superintendent which fell vacant in the middle of August 1939 Mr N Siddalingappa, M A , LL B , who was then working as Market Superintendent was recommended by the Council to be appointed as the Octroi Superintendent in the said vacancy and his appointment was approved in G O No L 8763-4/M1

P t o

G O No L 8763-4/M1 26-39-114 dated 12-4-1940

(3) The vacancy referred to in para (4) of the appeal petition relates to that of the Octroi Superintendent which occurred in July 1942 The Council selected to this post Mr C Annadanappa, B A , LL B , who was the Prosecuting Inspector in grade 60-4-80 and his appointment was approved in G O No L 2769-69/M1 10-42-35 dated 7-9-1942

(4) The statements made in para (6) of the appeal petition relate to the proposals made by the Municipal Council in making seriatim arrangements to fill up the vacancy of the Special Revenue Officer sanctioned in G O No L 2707-8/M1 105-43-3 dated 28-8-1943 In this connection the following proposals approved by the Municipal Council in the first instance were submitted to Government for sanction

i) Mr N Siddalingappa, M A , LL B , the Revenue Officer to be appointed as the Special Revenue Officer.

ii) Mr C Annadanappa, B A , LL B , Octroi Superintendent to be appointed as Revenue Officer

iii) Mr S Srinivasiah, Market Inspector to be appointed as Octroi Superintendent

However, this proposal was not approved by the Government and after protracted correspondence in the matter, it was ordered in G O No L 5151-3/M1 10-44-33 dated 28th November 1944 that two Special Revenue Officers might be appointed to attend to the work relating to the general revision of assessment, that an Officer of the status of an Amildar would be posted by Government as one of the Special Revenue Officers and that the Revenue Officer of the Municipality (Mr N Siddalingappa) may be appointed as the other Special Revenue Officer and that another Amildar would be posted as the Revenue Officer

(5) The statements made in para (7) of the appeal petition relate to the appointment of Mr S Srinivasiah as Market Superintendent in grade 100-10-150 Originally the pay of the Market Inspector was fixed as a grade one on Rs 60-4-80 and Mr S Srinivasiah was holding this post On the recommendation made by the Municipal Council the designation of the "Market Inspector" was changed to that of the "Market Superintendent" and the scale of pay was revised from Rs 60-4-80 to Rs 100-10-150 in G O No L 1238-9/M1 10-43-132 dated 7-8-1944 Mr Kulasekhara Mudaliar applied for being appointed as the Market Superintendent in the revised grade of Rs 100-10-150 While considering the question of filling up the post of the Market Superintendent in the revised grade, ~~xxx~~ the Council considered the representation of Mr Kulasekhara Mudaliar also and resolved that he may be fixed as the Food Analyst on Rs 100-5-150 and that Mr S Srinivasiah be continued as the Market Superintendent on Rs 100-10-150 (vide Council resolution dated 10-10-1944) In the first instance the proposal of the Council to continue Mr S Srinivasiah as the Market Superintendent was not approved by Government as intimated in Law Secretary's letter No L 8739-M1 10-44-104 dated 1-3-1945 Then the Council reiterated their previous resolution and the case of Mr S Srinivasiah was again recommended on the ground that he had not many years to serve and that a promotion as Market Superintendent towards the fag end of his service would be an appropriate recognition of his long and faithful service to this Municipality Thereupon the Government were pleased to approve the appointment of Mr S Srinivasiah as Market Superintendent on Rs 100-5-150 in their order No L 6599-600/M1 10-45-137 dated 11-1-1946 The recommendation of the Council to fix Mr Kulasekhara Mudaliar as Food Analyst

p t o

on Rs 100-5-150 was also approved in G O No L 1980-2/M1 10-45-55 dated 13-9-1945 As explained above the proposals made by the Council in filling up the several vacancies have been approved by Government for valid reasons assigned by the Council and Mr Kulasekhara Mudaliar cannot have any grievance

(6) Lastly Mr Kulasekhara Mudaliar has represented that injustice has been done to him now by the Council in recommending Mr Swaminathan to the post of Octroi Superintendent The facts leading to this proposal are in brief as follows -

Consequent on the transfer of Mr A Mariappa, the Personal Assistant to the Municipal Commissioner as Amildar of the Sorab Taluk in Revenue Commissioner's Notification No A1 3085/45 dated 25-2-1946, the post of the Personal Assistant to the Commissioner fell vacant A panel of names of the Amildars was obtained from the Revenue Commissioner and placed before the Managing Committee to select an Amildar for the post of the Personal Assistant At their meeting held on 6-3-1946, the Managing Committee opined that Mr C Annadanappa, B A , LL B , the Octroi Superintendent may be posted as the Personal Assistant to the Commissioner and that Mr M Swaminathan, M A , the Council clerk may be posted as the Octroi Superintendent This opinion of the Managing Committee was approved by the Municipal Council at their meeting held on 7-3-1946 A perusal of the proceedings of the Council meeting on the subject (copy of which has already been submitted to Government) shows that the Council have considered the claims of all the available officials and selected Mr M Swaminathan as he is most highly qualified and bes

best fitted for the post of the Octroi Superintendent with his wide experience of Municipal affairs for over 10 years This resolution having been submitted to Government for sanction, it was intimated in Revenue Secretary's letter No L 11139/M1 10-45-226 dated 15-4-1946 that the proposal of the Council cannot be sanctioned and that one of the Amildars from the panel of names sent by the Revenue Commissioner may be chosen as the Personal Assistant This letter having been placed before the Municipal Council, it was resolved at the Council meeting held on 14-8-1946 that their resolution dated 7-3-1946 may be given effect to and that the Commissioner may give effect to the same immediately From this proceedings of the Council it may be seen that the Council have emphatically stated that the power of appointment in this case vests with them and that the Government cannot interfere in the matter A detailed report in the matter with a copy of the Council proceedings has been submitted to Government with this office letter No A6 P R 40/45-46 dated 21-8-1946 soliciting orders of Government in respect of the general issue involved in making such appointments It may be mentioned here that under section 248(1)(a) of the City Municipalities Act the Commissioner has no power to make appointments to posts carrying a salary exceeding Rs 60/- per month

(7) Mr M Swaminathan is a Master of Arts and has put in a total service of 16 years and has been working in this Municipality for the last 10 years He has been drawing now as clerk Rs 60/- in grade Rs 50-2-60 and a personal allowance of Rs 15/- per month Mr Kulasekhara Mudaliar has passed the B Sc , degree Examination He was appointed as the Food Analyst in this Municipality from 7-4-1936 and he has been working as such all these years This is purely a technical appointment

In the first instance he was started on Rs 75/- Subsequently the pay of the post of the Food Analyst was fixed at Rs 75-5-100 and Mr Kulasekhara Mudaliar was fixed in the said grade from 19-12-1938 Again the pay of the said post was revised to Rs 100-5-150 as ordered in G O No L 1930-2/M1 10-45-55 dated 13-9-1945 It has to be stated that the Municipal Council have all along appreciated the work of Mr Swaminathan and recommended his case for special recognition very often When he had better offers from other Departments, his services were found so indispensable that he was retained here alone to the detriment of his interests So the Managing Committee and the Council have thought that they would be doing justice by giving him promotion as Octroi Superintendent

(8) It has to be observed that the statement made by Mr Kulasekhara Mudaliar in the penultimate para of the application that he has been victimized each time by the Council merely because he belongs to a minority community is baseless and unwarranted

(9) The two petitions received with your letter under reply are herewith retransmitted

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments

Honorary President

hsr/-

No. L. 7335 dy 19-11-46

Immediate & Confidential

To

The Municipal Council
Batticaloa

Representation of Mr K Kulasekhara Mudaliar, Food Analyst of the Municipality seeking for the his grievances

With reference to your letter No. MJ-P-12 40/45-46 dated 12-6-46, furnishing a report on the above subject, I am directed to request you to kindly furnish the following information within a week. —

1) What is the rank of Mr Kulasekhara Mudaliar in the graduation list and how is he precluded from promotion to higher appointments in the general cadre when Mr Arulanantha ~~Asst~~ Prosecuting

Inspector was considered eligible for the post of the Retd Superintendent in the Mfg?

2) Was Mr Swaminathan an Official of the Revenue Debt originally and how he been taken in the Bangalore City Municipality where other officials are drafted on loan basis from the Revenue Dept?

Yours sincerely

Dy Secy

II draft No. L 7336 dt 19-11-46

To

The Municipal Town
Bangalore City

Dear Sir,

Subj - Representation of Sri A Kula Sekhara Mudaliar, Food Analyst asking for his grievances

Sir,

With reference to your letter of even No 1645-46 dated 12-10-46 on the above subject, I am directed to point out that it is not clear from your report why the previous petition of Sri A Kula Sekhara Mudaliar, Food Analyst, Bangalore City Municipality, addressed to Govt, was not submitted by you to Govt, when Sri Swaminathan's case for promotion was suggested

I am therefore to request you to be so good as to explain the circumstances under which the previous petition of the

above Food Analysis was not submitted by
you to the Govt. A reply to this week
is requested

I have the
honor
to be
Sir
Your obedient servant

GEN & R.T. SECRETARIAT 4004 27 NOV 1946 P.S.G. BRANCH.

Bangalore City Municipality.

No As PR 4045-
Encl
FROM

MUNICIPAL OFFICES,
Bangalore, 25th Nov 1946

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J B Mallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sub Representation of Mr A Kulasekhara Mudaliar-
Food Analyst

Sir,

With reference to your letter No L 7335 of the 19th instant on the above subject, I have the honour to state that Mr Kulasekhara Mudaliar is senior to Mr S Srinivasiah, Market Superintendent, on Rs 100-5-150 He has been holding all along a technical post with very little knowledge of Municipal administration both executive and ministerial His work is purely to analyse the food samples sent to him by the Health Officer from time to time and he is actually working in the office of the Chemical Examiner to the Government of Mysore Mr Annadanappa was in close touch with Municipal administration as Prosecuting Inspector and was also responsible for the framing and revision of rules and bye-laws of this Municipality For this reason Mr Annadanappa was considered most suitable for the post of the Octroi Superintendent then and he was selected in preference to Mr Kulasekhara Mudaliar

2 Mr Swaminathan was originally an official of the Revenue Department and came to this Municipality in 1935 He has been found throughout to be very useful and efficient official

It may be stated in this connection that Mr Kulasekhara Mudaliar, B Sc, was fortunate enough to get a decent start of Rs 75/- per month on account of his technical qualification and the pay of the post of the Food Analyst

was revised first from Rs 75/- to Rs 75-5-100 within two years and again to Rs 100-5-150 within the course of six years On the whole, for a service of nearly ten years Mr Kulasekhara Mudaliar is now drawing Rs.100/- in grade Rs 100-5-150 On the other hand Mr P Swaminathan, though a Master of Arts, was started on Rs 40/- and ever after a service of 10 years has been drawing Rs.60/- in grade Rs 50-2-60, with an allowance of Rs 10/- In view of his high qualifications and efficient work, the Municipal Council have thought it fit to select him for filling up the vacancy of the Octroi Superintendent

I have the horour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

hsr/-

Bangalore City Municipality

GEN & L SECTT 4007 27 NOV 1946 S G BRANCH

CONFIDENTIAL

No Pr 40/45

Encl one

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

MUNICIPAL OFFICES,
Bangalore, 25th Nov 1946

To

J B Pallaradhya, Esq, M A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Re the Representation of Mr A Kulasekhara Mudaliar, Food Analyst

SIR,

With reference to your letter No L 7336 of the 19th instant on the above subject, I have the honour to state that the representation of Mr Kulasekhara Mudaliar was received in this office on 18-3-1946 When the covering letter to Government with his representation signed by me was sent to the Honorary President for his signature and forwardal to Government on 20-3-1946, the then President observed that this was a case to be brought before the Council as the powers of appointment or disposal of such a subject vested in the Municipal Council Accordingly the papers were circulated amongst the Municipal Councillors as it was proposed to take up the subject at the Council Meeting on 29-3-1946 And at that meeting the matter was discussed and it was observed that the representation of the Food Analyst may be detained in this office alone As such, the representation was not forwarded to Government

I have the honour to be,
SIR,
Your most obedient servant,

Municipal Commissioner

Extract of the proceedings of the Council Meeting dated 23-9-1946

x x

At this stage, the President informed the House that there was a representation from Mr Kulasekhara Mudaliar, the Food Analyst addressed to the Dewan and the Minister for Public Health and Educatior re his claims for the Octroi Superintendent's place and that as it contained some remarks about the Council etc , it had been brought up before them and wanted the same to be taken up

Mr C N Narasinga Rao observed that the representation may be detained in this office alone Then the meeting terminated

Sd/- H C Suryanarayana Rao,
Honorary President

"Copy"

Municipal Commissioner

M. J. SAFI DARASHAH, B.A.
MUNICIPAL COMMISSIONER

REV & REV SECRETARIAT
5724
20 JAN 1947
L S G BRANCH

CITY MUNICIPAL OFFICES
BANGALORE

Dated 7th Jany 1947

Please put up papers relating to this at once
14/1/47
Perley

Dear Sir,

I beg to bring to your kind notice that Mr A Mariappa, Personal Assistant to the Commissioner, was reverted from the Municipality to the Revenue Department and he handed over charge on the 3rd April 1946 The Personal Assistant's work was thereafter being attended to first by Mr N Choodappa, Special Revenue Officer and this Officer was also re-transferred to the Revenue Department in September 1946 Since then the Revenue Officer has been placed in additional charge of the work of the Personal Assistant, and this Officer has been complaining of heavy work and pleads inability to attend to both the duties which are so different in nature On account of this additional work, he has not been able to devote as much attention as is necessary for collection of revenue, and there has been an appreciable fall in the latter work Government have been repeatedly observing that the collection work in this Municipality is far from satisfactory, and unless the Revenue Officer is divested of this additional burden, it will not be possible for him to do justice to his legitimate work The same difficulty is being felt in respect of the work of my own office The Revenue Officer, being an executive Officer, will have to go round on collection and other work in the mornings and will be able to attend office only late in the afternoons, with the result that the work of the office has not been progressing with as much speed as it ought to do The resolution of the Municipal Council in the matter of filling up the post of the Personal Assistant was submitted to Government as far back as 21-8-1946, but orders have not so far been received in this connection As the work in my office is very much hampered, I request that early orders may kindly be passed on the resolution of the Council, so that

[illegible]
Date 17-1-47
No 926

17/1/47
17/1/47

the Revenue Officer may devote all his attention to collection work.

Yours sincerely,

Diwan Bahadur
Dr. F.C.M. Royan, M.D.,
Minister for Education and Public Health,
BANGALORE.

Immediate L 13111

hl 10-65-282

To The Municipal Commissioner 27/3/47
Bangalore City
C Through the President

Subj - Filling up of the posts of the personal Assistant to the Municipal Commissioner and the Sector Superintendent, Bangalore City Municipality

Sir,

With reference to the Correspondence ending with your letter No A6 P R 40/45-46 dated 7-1-1947 ~~2-8-1946 on the above subject~~, forwarding for the orders of Govt, a copy of the Resolution dated 14-8-1946 of the Bangalore City Municipal Council in the matter of filling up the above posts, I am directed to state that the points mentioned in the proceedings of the Meeting of the Municipal Council have been examined in detail with reference to provisions of Law and precedents and procedure followed from time

to time in this behalf

So far as the city Municipalities Act VII of 1933 is concerned, the Municipal Council as a body is not invested with the power to make appointments by itself or without reference to recommendations, if any, made by the Municipal Commissioner and it is only the Municipal Commissioner who has to make appointments, reserving the previous sanction of the Municipal Council in certain specified cases. Under the Act, the Municipal Commissioner is competent to make appointments to posts carrying a salary of not more than Rs 60-p-M- other than the posts of Health Officer, Municipal Engineer, Chief Accountant, Manager or Auditor.

Under Sections 49 (b) (i) and (c) and 228 (2) (c) of the city Municipalities Act, 1933, Govt. have power to frame rules for regulating the appointment of officers, and their designation and determining the duties and salaries

of such officers in city Municipalities

It is also not clear why the city Municipal Council has not so far framed the rules required in this behalf under the several sub-clauses of section 49 of the Act

The powers, duties and functions of the Municipal Council have been specifically defined in the Act and the Municipal Council can exercise only the powers conferred on it by the Statute and nothing more The powers that the Govt have specifically reserved to themselves under the Act, together with all the Residuary powers vest in the Govt.

XXX

The contention that the Municipal Council ~~has~~ is competent to make these rules, is not tenable and ~~cannot be~~ is

XXX It is also seen that in accordance with the provisions of Municipalities Act, 1933 these amendments are required to be made by the Govt under section 228 (2) (c) read with section 49 (4) (x) and (e) of the Mysore City

therefore
be ~~accepted~~ not acceptable to Govt.

As regards filling up the above two posts, however
Sanction is accorded to the following proposals
of the Municipal Corpn - subject to the conditions
mentioned herein ——

a) Mr T Annadanappa is a UDC, serving
Superintendent to be appointed to act-
as personal
Assistant to the Municipal Comm, Bangalore city
on Rs 150 - 25 - 250 + 50 Allowance, subject to
the condition that he is not permanently
~~by the Examination~~
appointed to the post of the personal Asst
which is only a temporary appointment, that it
is likely to be terminated at the discretion
of the Municipal Comm, Bangalore city and that it
does not entitle him to seniority over
any preferential claim or treatment for
his future advancements

b) Mr M Suramnathan M.A clerk on

Rs 60- to be appointed to act as acting

Superintendent on Rs 100-10-150-25/2-250+25CA

Without prejudice to the seniority of others
in the city Municipality
and subject to the condition that this appoint-
ment does not entitle him to any
preferential treatment, as it is only temporary
and on a temporary basis

Yours

21/3

From Revenue Dept to Exam

The Municipal Comy Baroda city
C Through the President
To Comptroller to Govt
Memo No 13344 dated 3/6/47

Copy w.c to the Comptroller to Govt for
information

for
Secretary
Dy Revenue Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No 13111/M1.10-45-282. *Dated Bangalore,* 27th March 1947.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Revenue Department.

To

The Municipal Commissioner,
Bangalore City

Through :-

The President,
Bangalore City Municipality.

Sir,

Subject :- Filling up of the posts of the Personal Assistant to the Municipal Commissioner and the Octroi Superintendent, Bangalore City Municipality.

With reference to the correspondence ending with your letter No.A.6 & R.40/45-46 dated 7th January 1947, forwarding for the orders of Government, a copy of the Resolution dated 14th August 1946 of the Bangalore City Municipal Council, in the matter of filling up the above posts, I am directed to state that the points mentioned in the proceedings of the Meeting of the Municipal Council have been examined in detail with reference to provisions of Law and precedents and procedure followed from time to time in this behalf.

2. So far as the City Municipalities Act VII of 1933 is concerned, the Municipal Council as a body, is not invested with the power to make appointments by itself or without reference to recommendations, if any, made by the Municipal Commissioner and it is only the Municipal Commissioner who has to make appointments, securing the previous sanction of the Municipal Council in certain specified cases. Under the Act, the Municipal Commissioner is competent to make appointments to posts carrying a salary of not more than Rs.60/- per mensem - other than the post of Health Officer, Municipal Engineer, Chief Accountant Manager or Auditor.

3. Under Sections 49(b(-(ii) and (c) and 228 (2) (C) of the City Municipalities Act, 1933, Government have power to frame rules for regulating the appointment of officers, and their designations and

determining the duties and salariesof such officers in City Municipalities. It is also not clear why the City Municipal Council has not so far framed the rules required in this behalf, under the several sub-clauses of Section 49 of the Act.

4. The powers, duties and functions of the Municipal Council have been specifically defined in the Act and the Municipal Council can exercise only the powers conferred on it by the Statute and nothing more. The powers that the Government have specifically reserved for themselves under the Act, together with all the Residuary powers vest in the Government.

5. It is also seen that in accordance with the existing procedure, these appointments are being made by Government in exercise of the powers vested in them under Section 328(2)(c) read with Section 49(b) and (c) of the Mysore City Municipalities Act, 1953.

6. The contention that the Municipal Council is competent to make these appointments is, therefore, untenable and is not therefore acceptance to Government.

7. As regards filling up the above two posts, sanction is, however, accorded to the following proposals of the Municipal Council subject to the conditions mentioned thereon :-

(a) Mr. C. Arumugappa, L.A., LL.B., Octroi Superintendent, to be appointed to act as Personal Assistant to the Municipal Commissioner, Bangalore City, on Rs.150-25/2-200 plus 50/- allowance, subject to the condition that as he is not permanently appointed to the post of the Personal Assistant, which is only a tenure appointment, that it is likely to be terminated at the discretion of the Municipal Commissioner, Bangalore City and that it does not entitle him to seniority or any preferential claim or treatment for his future advancements.

(b) Mr. M. Seshanathan, L.C., Clerk, on Rs.80/- to be appointed to act as Octroi Superintendent, on Rs.100-10-150-25/2-250 plus 25 Conveyance allowance, without prejudice to the seniority of others in the City Municipality and subject to the condition that this appointment does not

(Continued)

entitles him to any preferential treatment, as it is only temporary and is on a tenure basis.

I have the honour to be,
Sir,
Your most obedient servant,

J. Ramachandran
for SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No 13111/Mi.10-45-282. *Dated Bangalore,* 27th March 1947.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Revenue Department.

To

The Municipal Commissioner,
Bangalore City.

Through :-

The President,
Bangalore City Municipality.

S i r,

Subject :- Filling up of the posts of the Personal Assistant to the Municipal Commissioner and the Control Superintendent, Bangalore City Municipality.

With reference to the correspondence ending with your letter No.A.6.P.P.40/46-46 dated 7th January 1947, forwarding for the orders of Government, a copy of the Resolution dated 14th August 1946 of the Bangalore City Municipal Council, in the matter of filling up the above posts, I am directed to state that the points mentioned in the proceedings of the meeting of the Municipal Council have been examined in detail with reference to provisions of Law and precedents and procedure followed from time to time in this behalf.

2. So far as the City Municipalities Act VII of 1933 is concerned, the Municipal Council as a body, is not invested with the power to make appointments by itself or without reference to recommendations, if any, made by the Municipal Commissioner and it is only the Municipal Commissioner who has to make appointments, securing the previous sanction of the Municipal Council in certain specified cases. Under the Act, the Municipal Commissioner is competent to make appointments to posts carrying a salary of not more than Rs.60/- per mensem - other than the post of Health Officer, Municipal Engineer, Chief Accountant Manager or Auditor.

3. Under Sections 49(b)-(ii) and (c) and 228 (2) (c) of the City Municipalities Act, 1933, Government have power to frame rules for regulating the appointment of officers, and their designations and

determining the duties and salariesof such officers in City Municipalities. It is also not clear why the City Municipal Council has not so far framed the rules required in this behalf, under the several Sub-clauses of Section 49 of the Act.

4. The powers, duties and functions of the Municipal Council have been specifically defined in the Act and the Municipal Council can exercise only the powers conferred on it by the Statute and nothing more. The powers that the Government have specifically reserved for themselves under the Act, together with all the Residuary powers vest in the Government.

5.It is also seen that in accordance with the existing procedure, these appointments are being made by Government in exercise of the powers vested in them under Section 228(2)(C) read with Section 49(b) and (e) of the Mysore City Municipalities Act, 1933.

6 The contention that the Municipal Councilis competent to make these points, is, therefore, not tenable and is not therefore acceptance to Government.

7. As regards filling up the above two posts, sanction is, however, accorded to the following proposals of the Municipal Council subject to the conditions mentioned thereon :-

(a) Mr. C. Annadanappa, B.A.,LL.B., Octroi Superintendent, to be appointed to act as Personal Assistant to the Municipal Commissioner, Bangalore City, on Rs.150-25/2-250 plus 50/- allowance, subject to the condition that he is not permanently appointed to the post of the Personal Assistant, which is only a tenure appointment, that it is likely to be terminated at the discretion of the Municipal Commissioner, Bangalore City and that it does not entitle him to seniority or any preferential claim or treatment for his future advancements.

(b) Mr. M. Swaminathan, M.A., Clerk, on Rs.60/- to be appointed act as Octroi Superintendent, on Rs.100-10-150-25/2-250 plus 25 Conveyance allowance, without prejudice to the seniority of others in the City Municipality and subject to the condition that this appointment does not

(Continued)

entitled him to any preferential treatment, as it is only temporary and is on a tenure basis.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT.

Cpg/4.

L 14359

18/4/47

To

The Municipal Council

Bangalore City

~~Duty - Delegation of powers to certain Executive Officers of the Bangalore City Municipality~~

Dear Sir,

I am directed to invite reference to this office letter No L4-246 dated 23-4-46 and subsequent reminder No L 11721 dt 25-2-47, calling for draft ~~Rules~~ Rules to be framed by the Bangalore City Municipal Council under Section 69 Cl (i) and (ii), c d e & f

of the Mysore city Municipalities
1933, and to request that the same
may kindly be submitted to Govt
without further delay

Yours sincerely

15/4/47

Sahar Devasthan. Esqrs
B.A
Municipal Commr
Bangalore city

Bangalore City Municipality.

No A5 C 318/46
Encl

MUNICIPAL OFFICES,
Bangalore, 24th April 1947

FROM

SAFI DARASHAH, ESQ, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

H N Pallegar, Esq, M A, LL B,
Secretary to the Government of Mysore,
Revenue Department, Bangalore.

25/4

9029
1 MAY 1947
BRANCH

SIR,

Subject In the matter of framing draft rules by the Bangalore City Municipal Council under Section 49 b (1) ii C D F of the Mysore City Municipalities Act of 1933

With reference to your D O letter No L 14359 dated 18-4-1947 on the above subject, I have the honour to state that a copy of the rules and byelaws as framed by the Mysore City Municipal Council under the above sections has been obtained and placed before the Bye-law Committee for framing necessary rules in this behalf As soon as they are framed and passed in the Byelaw Committee and the Municipal Council, they will be sent to Government for favour of approval

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-